

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 784 of 2016

1. Jageshwar Sahu, S/o. Gajanand Sahu, aged about 35 years, R/o. Kirvai, P.S. - Simga, District – Balaoda Bazar-Bhatapara (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, through – District Magistrate Balaoda Bazar-Bhatapara (C.G.)

---- Respondent

For Applicant	: Mr. Vinay Harit, Sr. Advocate with Smt. Smriti Shrivastava, Advocate
For Respondent/State	: Mr. Vivek Singhal, Panel Lawyer
For Objector	: Mr. Vijay K. Deshmukh, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12/08/2016

1. Apprehending arrest in connection with Crime No.173/2016 registered at Police Station – Simga, District – Baloda Bazar-Bhatapara (C.G.), for offence punishable under Section 295-A, 34 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that on 19.06.2016, the applicant while Dharmseena was taking a stage show at that time from the stage, he stated that 70% of Satnami community is engaged in smuggling of cows, thereby tried to with all malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and he is the active member of

ruling party, therefore, the opponent wanted the applicant to be arrested and false allegations have been made. Therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of bail and would submit that as many as six cases are registered against this applicant and out that, three cases are registered under different sections of I.P.C and three cases are of Cr.P.C., therefore, submits that the applicant may not be extended the benefit of anticipatory bail.
5. Perused the case diary and the documents. Considering the case diary and the report and the fact that six cases are to the credit of the applicant under different Sections of I.P.C. and Cr.P.C. and taking into the facts and circumstances of this case and the allegation levelled against the applicant, it is not a case, where the benefit of Section 438 of Cr.P.C. can be extended to the applicant as it can not be stated that custodial interrogation of the applicant may not be required. Therefore, I am not inclined to grant anticipatory bail to the applicant.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge