

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 773 of 2016**

- Ajay Kumar S/O Kanhaiya Lal Aged About 24 Years Caste Yadav, R/O Kadamhakhar, Manipur, Korba, District Korba Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Incharge, Police Chowki - Manipur, Police Station City Kotwali, Korba, District Korba Chhattisgarh.

---- Respondent

 For Applicant : Mr. Ramakant Pandey, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****12-08-2016**

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Crime No. 271 of 2016 registered at Police Station Police Chowki Manikpur, PS City Kotwali, Korba, District Korba (CG) for offence punishable under Sections 325 of the IPC and Section 3 (1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution, in brief, is that on 29-5-2016 when the complainant Pardesh Raj went for taking water from water tank, at that time the applicant opposed him for taking water, abused him by the name of his caste and also assaulted him and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the the applicant has been falsely implicated in the case,

he has not assaulted the complainant and only because of scuffle the complainant slipped and fell down on the mud as a result of which he sustained injury, therefore, the applicant may be enlarged on anticipatory bail.

4. On the other hand, learned State counsel opposing the prayer for grant of bail would submit that there is sufficient evidence to connect the applicant with the crime in question.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of the victim and also the medical report which would show that due to assault the complainant had sustained dental fracture.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence and for further considering the statement of the victim and also the medical report, I am of the considered opinion, *prima facie*, that it is not a fit case where benefit of anticipatory bail can be extended to the applicant.
8. Accordingly, the application filed under Section 438 of the Cr.P.C. for grant of anticipatory bail is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge