

COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 1372 /2015

1. Rakesh Pandey, S/o. Murlidhar Pandey, Aged About 37 Years, Occupation Business, R/o. Baghtalab, Raigarh.
2. Sanjay Agrawal, S/o. Parmanand Agrawal, Aged About 48 Years, Occupation Business, R/o. Gourishankar Mandir Road, Raigarh.
3. Anup Bansal, S/o. Vinod Kumar Bansal, Aged About 35 Years, Occupation Business, R/o. Krishna Vihar Colony, Raigarh.
4. Sarabjit Singh, S/o. Jagjit Singh, Aged About 35 Years, Occupation Business, R/o. Savitri Nagar, Raigarh.

All Tah. & Thana Raigarh, Civil & Revenue Distt. Raigarh, Distt. Raigarh, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Police Station Gharghoda, Distt. Raigarh, Chhattisgarh.

---- Respondent

For Applicants : Ms. Sharmila Singhai, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/02/2016

1. Apprehending arrest in connection with Crime No.192/2014 registered at Police Station- Gharghoda, District Raigarh (C.G.) for the offence punishable under Section 147, 148, 149, 294, 506(B), 323, 452 & 307/34 of the Indian Penal Code, the applicants have preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, on 23.05.2014, the complainant Love Kumar who was a Driver of Ashish Didvaniya lodged a report before the Police Station that the applicants entered into the office of the company and thereafter committed assault and threw the complainant into the Well.

3. Learned counsel for the applicants submits that some forged report has been made in the name of the applicants and immediately after knowing the fact that some report has been made, the complainant had made a report to the Police that he had not made any report and signature on the blank paper was obtained and the applicants are also the transporter and therefore some other persons have lodged the false report against the applicants, therefore, they may be enlarged on anticipatory bail.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. The case diary contains two pages of report which bears the signature of the complainant of which the FIR was registered. Taking into such fact and the fact that the injuries also supported by the medical evidence which is of 23.05.2014, considering the same, the argument advanced by the learned counsel for the applicants cannot be appreciated at this stage that the false report was made. It appears that the applicants have afterthought tried to do away with the report and dilute the same have lodged report. Considering the documents and the evidence available, this is not a case where the benefit of Section 438 can be extended to the applicants, as perusal of the case diary would indicate that it is not a case wherein it can be assumed that custodial interrogation may not be required.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge