

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 247 of 2016

1. Mohinder Singh Kanwar @ Titu, S/o. Shri Shyam Lal Kanwar, aged about 40 years, R/o. Village-Bhaisma, Police Station – Urga, Tahsil & District-Korba (C.G.) at present posted as Deputy Superintendent of Police in State of M.P.

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Kartala, District – Korba (C.G.)

---- Respondent

For Applicant	: Mr. Vimlesh Bajpai, Advocate
For Respondent/State	: Mr. Sangharsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12/05/2016

1. Apprehending arrest in connection with Crime No.49/2014, registered at Police Station- Kartala, District – Korba (C.G.), for offence punishable under Section 147, 148, 149, 341, 342, 294, 323, 324, 365, 394, 395, 397, 427 & 506 read with 34 of I.P.C., the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case on 22.04.2014 the applicant is said to have stopped the car in which the complainant, Tarun Mishra was travelling alongwith other persons, thereafter at a place near Borbadi at Baniyapara (Korba), the car was stopped and thereafter, the people attacked the complainant and damaged the car by iron rod and club.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case due to personal vendetta, the name of the applicant has been inculpated. It is further submitted that the applicant is gallantry award winner and he has made all co-operation to the police and due to political vendetta the name of the applicant is inculpated and the incident took place during the parliamentary election. He further submits that the complainant was distributing the materials in the local area before canvassing, which was objected and therefore, scuffle took place and initially the applicant was assaulted for which the report was made, however, in order to avoid the same, the false allegations have been made. The counsel, therefore, 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.
5. Perused the case diary and the documents. The incident is of April, 2014 and it appears that two years have passed. Report was made by one Tarun Mishra. The complainant in the FIR has categorically named the applicant that he was identified when the attack was made. Perusal of the statement of the complainant, Tarun Mishra along-with medical report as also the statement of Ajay Pandey, Shiv Jaiswal, Narendra and Amit Singh etc. since the applicant has been named particularly in the FIR, I am not inclined to grant anticipatory bail to the applicant.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge