

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C (A) No. 24 of 2016

Vinod Tiwari, S/o. Mahendranath Tiwari, aged about 38 years, R/o. LIG-562, Padmanabhpur, Durg, Civil and Revenue District Durg (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Police Station Newai, District Durg (C.G.)

---- Respondent

For Applicant	:-	Mr. B.P. Singh, Advocate.
For Respondent/State	:-	Mr. Arvind Shukla, Panel Lawyer
For Respondent/Objector	:-	Mr. Anshul R. Shrivastava

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10/02/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 274/2015, registered at Police Station- Newai, District Durg (C.G.) for offence punishable under Section 294, 452, 506-B, 195, 323 read with section 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by Mala Manish W/o. Manish Kumar Madhawan that on 26.10.2015 the applicant entered into the house of the complainant and abused her thereafter, the applicant assaulted the complainant by way of knife. Therefore, on the next day, the report was made by the husband of the complainant.
3. Counsel for the applicant submits that the dispute was in between the husband of the complainant and the wife of the applicant as they are working

in the same school. He further submits that there was dispute existing between the parties. He further referred to certain documents wherein the complaint was made by the wife of the applicant against the complainant. He further submit that the allegation was levelled against the applicant because of quarrel from long back between them, therefore, the applicant may be given the benefit of anticipatory bail.

4. State counsel as well as counsel for the objector opposes the prayer for grant of bail and submit that initially a report made by the wife of the complainant and the applicant entered into a quarrel on 18.08.2015 and the case was pending in order to settle the case, the FIR was made and the pressure was exerted which resulted into the present conflict and taking the dispute the applicant should not be enlarged on anticipatory bail.
5. Perusal of the case diary and the statement of the complainant. Taking into the statement made by the complainant and the way of offence has been committed by the applicant, this Court is of the opinion, that it is not a fit case where the applicant can be extended the benefit of anticipatory bail.
6. Accordingly, the anticipatory bail application is dismissed.

(Goutam Bhaduri)
JUDGE