

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 243 of 2016

1. Ritesh Kumar Mishra, S/o. Vijay Kumar Mishra, aged about 24 years, permanent R/o. 7th Batalion Durg, District – Durg (C.G.), present R/o. Kistaram, Tahsil-Konta, District-Sukma (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, through : Police Station Incharge, Police Station-Konta, District- Sukma (C.G.)

---- Respondent

For Applicant : Mr. Arvind Dubey, Advocate

For Respondent/State : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/03/2016

1. Apprehending arrest in connection with Crime No.25/2014 registered at Police Station- Konta, District – Sukma (C.G.), for offence punishable under Section 458, 459 & 307 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, on 30.10.2014 one report was made by one Smt. R. Rashmi that unknown person was hiding in her house and at that time one Punam Vijay when he obstructed, he was assaulted on his neck subsequently, the applicant fled away.
3. Learned counsel for the applicant would submit that the incident was of year 2014 and there is no evidence against this applicant as the FIR is lodged against unknown person. He would further submit that the applicant has been falsely implicated in this case. Therefore, the counsel submits that the applicant may be extended the benefit of

anticipatory bail otherwise he may loose his job.

4. Per contra, the learned State counsel opposes the prayer for grant of bail and would submit that as per the statement of the daughter of Smt. R. Rashmi, the complainant and one Rahul Banjare, there is enough evidence that the applicant has committed the crime.
5. Perused the statement of R. Rashmi and Rahul Banjare. After perusal of the statement of the Rahul Banjare, it appears direct evidence is available against the applicant, therefore, this Court is not inclined to extend the benefit of Section 438 to the applicant.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge