

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1310 /2015

1. Khushbu Rajput, D/o. Late Kishan Singh Rajput, Aged About 27 Years.
2. Smt. Chandrika Rajput, W/o. Kishan Singh Rajput, Aged About 43 Years.

Both are R/o. Near Shitla Mandir, Beside Railway Track, P.S. Mohan Nagar, Distt. Durg, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station- Mohan Nagar, Civil & Revenue District Durg, Chhattisgarh

---- Respondent

For Applicants : Mr. Avinash Chand Sahu, Advocate.

For Respondent : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/01/2016

1. Apprehending arrest in connection with Crime No.532/2015 registered at Police Station- Mohan Nagar, Civil & Revenue District Durg (C.G.) for the offence punishable under Section 294, 506-B, 452, 34 of IPC, 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 story, in brief, on 13.11.2015 at 9 p.m., the applicants and other persons entered into the house of the complainant and started abusing them over an earlier dispute which was existing and thereafter assault was also made; thereby, the offence has been committed.

3. Learned counsel for the applicants submits that the dispute was arose on throwing the garbage in front of the house and initially the applicants have made a report against the complainant. He further submits that the applicants earlier lodged the FIR against the complainant, therefore, the applicants have falsely been inculpated in this case and, as such, they may be given the benefit of anticipatory bail.
4. Per contra, the 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. On perusal of the case diary and the statements, I do not find it to be a case where the benefit of Section 438 can be extended to the applicants, therefore, I am not inclined to grant anticipatory bail 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 is rejected.

Sd/--
(Goutam Bhaduri)
Judge