

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 446 /2016

Hridayram Rathiya, S/o. Gadaram Rathiya, Aged About 49 Years, R/o.
Village Kurra, P.S. & Tehsil Lailunga, District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Police Station Lailunga, District
Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Manoj Kumar Jaiswal, Advocate.

For Respondent : Mr. Gary Mukhopadhyay, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/05/2016

1. Apprehending arrest in connection with Crime No.152/2015 registered at Police Station- Lailunga, District Raigarh (C.G.) for the offence punishable under Section 147, 353, 186, 332/34, 294, 506B, 452 of Indian Penal Code and Section 3(2)(a) of Lok Sampatti Niwaran Adhiniyam, 1984, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, in the event of accident occurred on 01.06.2015 at village Saraimuda, one person died and thereafter, the public gathered for making agitation. It is the case of the prosecution that the applicant who is a leader of the area provoke the mob along-with other co-accused thereby interfered with the government job and assaulted the police officers. Consequently, the offence is committed.
3. Learned counsel for the applicant would submit that the applicant is an Ex-MLA of the area and his name has been falsely implicated

because he is known to the public and he has not committed any offence. He further submits that 40-50 persons are there therefore the name of the applicant has been falsely implicated and, as such, he may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail. It is submitted that in the earlier two cases i.e. Crime No.307/2013 and Crime No.255/2015 like nature of criminal cases are registered against the applicant and therefore he may not be enlarged on bail.
5. Perused the case diary and the FIR. The FIR contains the name of the applicant and it is stated that in the agitation they assaulted the police and also caused damaged to the government vehicles. Considering the fact that name of this applicant appears in the FIR and further considering the background of this applicant as like nature of similar cases were also registered against him in Crime No.307/2013 for the offence under Section 294, 506-B, 323, 341 & 147 of IPC and in Crime No.255/2015 for the offence under Section 147, 148, 149, 294, 506 & 323 of IPC, it is not a case where the benefit of Section 438 of Cr.P.C. can be granted to the applicant.
6. Accordingly, the bail application filed under Section 438 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge