

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 438 of 2016

1. Bhola @ Nasim Khan, S/o. Alim Khan, aged about 50 years,
2. Abrar, S/o. Bhola @ Nasim Khan, aged about 22 years,
3. Saddam Husain, S/o. Dilbahar, aged about 20 years,
4. Rahman, S/o. Dilbahar, aged about 19 years,

All are by Caste-Musalman, R/o. Kewra, Police Station and Tahsil –
Pratappur, Revenue and Civil District-Surajpur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station - Pratappur, District –
Surajpur (C.G.)

---- Respondent

For Applicant	: Mr. Pushpendra Kumar Patel, Advocate
For Respondent/State	: Mr. Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/05/2016

1. Apprehending arrest in connection with Crime No.57/2016, registered at Police Station- Pratappur, District – Surajpur (C.G.), for offence punishable under Section 147, 148, 149, 294, 506B, 323, 342 & 365 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution case on 16.03.2016 a report was made that on 15.03.2016 at about 10 o'clock, Altaf Husain alongwith Santosh Kasera and Janu Khan went to Gonda Jungle Talab and were waiting for cattle at that time on Bolero vehicle bearing No.C.G.-10-BB 2334,

Bhola @ Nasim Khan, Abrar, Saddam Husain, Yakub, Rahman and Samim Khan reached there and they landed into altercation for the reason as to who are they to stop the cattles. Thereafter, Janu and Altaf were kidnapped and were assaulted and lastly they were left at village-Gevra. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicants have been falsely implicated in this case as infact they were intercepted by the complainants and demanded money and on which the dispute arose. He would further submit that the applicants are in-fact the victim as the complainants have demanded illegal money. The counsel, therefore, prays that the applicants 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 statement of Altaf Husain and Janu Khan, wherein it is stated that the applicants came in the Bolero vehicle and abducted them. In view of the statements and considering the documents available, it is not a case, where the provisions of Section 438 of Cr.P.C. can be extended as it can not be stated that custodial interrogation of the applicants may not be required. Therefore, I am not inclined to grant anticipatory bail to the applicants.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge