

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 528 of 2016

1. Nehru Raj S/O Late Ramprasad Aged About 55 Years R/O Bada Bazar, Chirmiri, Police Station - Chirmiri, District - Korea Chhattisgarh.
2. Shubham Raj S/O Nehru Raj Aged About 22 Years R/O Bada Bazar, Chirmiri, Police Station - Chirmiri, District - Korea Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station - Chirmiri, District - Korea Chhattisgarh

---- Respondent

For Applicant : Mr. Vinay Pandey, Advocate

For Respondent/State : Mr. Satish Gupta, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29-07-2016

1. This application under Section 438 of Cr.P.C has been filed by the applicants apprehending their arrest in connection with Crime No. 92 of 2016 registered at Police Station Chirmiri, District Korea (CG) for offence punishable under Sections 147, 148, 294, 204, 506-B, 323, 456 of the IPC.
2. Case of the prosecution, in brief, is that on 22-03-2016 during Holi festival, complainant after hearing some noise came out from his house and saw the applicants taking some wood and old truck tires from his courtyard which resulted into a dispute and both parties entered into scuffle, in a consequence complainant Philip Raj was assaulted and on a kick being given to his wife Deepanjali Raj, she suffered abortion and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case, a dispute arose between the family members and as such false allegations have been made and the applicants have also lodged report against the complainant under Section 307 of the IPC, therefore considering the facts and circumstances of the case, present applicants may be extended the benefit of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties and perused the case diary and documents.
6. Perused the statements of complainant Philip Raj and his wife Deepanjali Raj which would show that applicants were taking wood and old trucks tires, when the complainant objected them, the applicants have assaulted the complainant and his wife as a result of which complainant sustained injury and his wife Deepanjali suffered abortion.
7. Considering the facts and circumstances of the case, nature and gravity of the offence and the manner in which the offence was committed and further considering the statements of the complainant and his wife, I am not inclined to extend the benefit of anticipatory bail to the applicants.
8. Accordingly, the anticipatory bail application is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge