

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 642 of 2016

- Anand Mourya S/o Late Ramnath Mourya Aged About 40 Years R/o - Malviya Nagar, Police Station - Mohan Nagar, Distt. Durg Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police Station, Mohan Nagar, Distt. Durg Chhattisgarh --- **Respondent**

For the applicant	:	Miss K.Tripti Rao, Advocate.
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer
For the Objector	:	Mr. Ashish Gupta, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.08.2016

1. Apprehending arrest in connection with Crime No. 219 of 2016 registered at Police Station Mohan Nagar, Distt. Durg (C.G) for the offences punishable under sections 294, 506, 323, 325, 326 & 34 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, on 30.03.2016 complainant Sanjay Kela when went to the house of Keshavendra Mourya some altercation took place over money dispute with Keshavendra Mourya and thereafter the applicant along-with his brother Anand Mourya, the present applicant assaulted Sanjay Kela by way of club and cricket bat, thereby the complainant suffered injuries.
3. Learned counsel for the applicant would submit that in fact the dispute was in between Sanjay Kela and Keshavendra Mourya and not with the present applicant

he only tried to intervene and pacify the situation and his name has been falsely implicated. She further submits that a query has also been made as to the nature of the injury and in and in order to attract section 326 IPC, the nature of injury should have been grievous which has not been established by the prosecution, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel as also learned counsel for the objector vehemently oppose the bail application.
5. Perused the statement of injured Sanjay Kela as also the medical report.
6. Considering the medical report and the statement of victim, it is not a case where the benefit of section 438 Cr.P.C., can be extended. Accordingly, the application is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**