

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3835 of 2016

- Dheeraj Jaiswal S/o Sachitanand Jaiswal Aged About 35 Years
(Wrongly Mentioned In The Rejection Order As Sachidanand
Jaiswal) R/o Namnakala, Ambikapur, Distt. Surguja
Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer,
Police Station A J A K, Ambikapur, Distt. Surguja Chhattisgarh
----- **Respondent**

For the applicant	:	Mr. Jitendra Shrivastava, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20.07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 137 of 2016 registered at P.S. AJAK Ambikapur, Distt. Sarguja (C.G) for the offence punishable under Sections 294, 506, 323, 354(A), 459, 342 & 427 read with Section 34 of IPC and section 3(1)(x) & 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1980.
2. As per the prosecution case, earlier a dispute arose between complainant Santoshi Rajan and the applicant, for which a report was lodged by Santosh Rajan against the applicant. On 06.06.2016, the complainant alongwith her son Dwijesh Markam went to Police Station to enquire about the said report where the applicant was also present for giving his statement. Thereafter while she came back to her house alongwith her son, it was found that the applicant alongwith

others have already occupied the house by breaking open the lock. On arrival of the complainant to her house, the accused who were already present in her house assaulted and abused the complainant and her son Dwijesh Markam by caste and thereafter, the complainant rescued herself and tried to run away. At that time when Ravi Maravi, the relative of complainant came to her rescue, Ravi Maravi was also assaulted by the applicant's party whereby he sustained grievous injuries.

3. Learned counsel for the applicant submits that in fact the dispute arose because of the fact that the husband of the complainant had entered into an agreement to get a construction done and over such contract, dispute arose, for such, a report and counter report were also made. He further submits that the applicant has been falsely implicated, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of complainant Santoshi Rajan. A perusal of the statement would show that direct allegations have been attributed to this applicant. Taking into such allegations and the case diary which shows that still the investigation is going on, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-
GOUTAM BHADURI
JUDGE