

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.718 of 2016**

- Dayaram Anant S/o Punsai Anant Aged About 71 Years R/o Village Dhandhan P.S. & Tahsil Takhatpur District Bilaspur Chhattisgarh

---- **Petitioner****Versus**

- State Of Chhattisgarh Through : Police Station Takhatpur Distt. Bilaspur Chhattisgarh

---- **Respondent**

For Petitioner	:	Shri Dharendra Pandey, Advocate
For Respondent/State	:	Shri D. R. Minz, Dy.GA

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****24/10/2016**

Heard.

2. The applicant has preferred this application under Section 438 of Cr.P.C., apprehending his arrest in connection with Crime No.200/2015, registered at Police Station–Takhatpur, District Bilaspur for alleged commission of offence under Sections 147, 148, 149, 294, 307, 323, 327/34 of IPC.

3. This is second application for grant of anticipatory bail. First application was dismissed as withdrawn with liberty to file regular bail application.

4. Learned counsel for the applicant submits that the applicant may be granted the benefit of anticipatory bail on the ground that the applicant is only stated to be present at the time of incident, but all the assaults are made by the sons of the applicant. It is submitted that in the aforesaid incident, the applicant also sustained injury.

5. On the other hand, learned State counsel opposed the prayer for grant of bail and submits that the first bail application was dismissed as withdrawn with

liberty to apply for grant of regular bail vide order dated 08-09-2015, therefore, at this stage, the applicant is not entitled to bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that first bail application was dismissed as withdrawn with liberty to apply for grant of regular bail vide order dated 08-09-2015 and without applying for grant of regular bail, the applicant has again repeated the bail application, I am not inclined to grant anticipatory bail to the applicant.

7. Accordingly, the application is rejected. However, it is observed that in case, the applicant surrenders and apply for grant of regular bail before the Court below, the same shall be considered and decided by the Court below within two days.

Sd/-
(Manindra Mohan Shrivastava)
Judge