

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 768 of 2016**

- Deepak Thakur S/O Sukhdeo Singh Aged About 19 Years R/O Rajeev Gandhi Chowk, Jarhabhatha, P.S. Civil Line, Bilaspur, Tahsil & District Bilaspur Chhattisgarh

---- **Applicant****Versus**

- State Of Chhattisgarh Through : The Station House Officer, Police Station Civil Line, Bilaspur, District Bilaspur Chhattisgarh

---- **Respondent**

 For Applicant : Mr. Shailendra Dubey, Advocate

For Respondent/State : Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****09-09-2016**

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Crime No. 304 of 2016 registered at Police Station Civil Line, District Bilaspur (CG) for offence punishable under Sections 294, 506, 452, 323/34 of the IPC.
2. Case of the prosecution, in brief, is that on 20-5-2016 a report was made by complainant Praveen Masih that on 18-5-2016 the complainant advised the present applicant not to follow his sister. On that count, applicant abused the complainant and stated that he will follow his sister. Subsequently, at night the applicant along with other co-accused persons entered into the house of the complainant armed with club and iron rod and assaulted the complainant as a result of which he sustained injury and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated, there is no complaint filed by the girl and there was delay of two days in filing the first information report, therefore, benefit of anticipatory bail may be extended to the applicant.
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 statement of the complainant and also medical report which would show that there was a fracture of bone.
7. Considering the facts and circumstances of the case, nature and gravity of the offence and further considering the statement of the complainant and also the medical report, I am of the considered opinion, *prima facie*, that it is not a fit case where benefit of anticipatory bail can be extended to the applicant.
8. Accordingly, the application filed under Section 438 of the Cr.P.C., for grant of anticipatory bail is liable to be and is hereby dismissed.

Sd/-

(Goutam Bhaduri)
Judge

Raju