

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 815 of 2016**

- Saji Sadanand S/O Sadanand Aged About 32 Years R/O Atteratil House, Chenneirkra Patte, Tanmatetata, Keral, Presently R/O Village Aadawal, Khaspara, Jagdalpur, District Bastar, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Nagarnaar, District Bastar, Chhattisgarh.

---- Respondent

For Applicant : Mr. Malay Shrivastava, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****02-09-2016**

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Crime No. 08 of 2016 registered at Police Station Nagarnaar, District Bastar (CG) for offence punishable under Sections 147, 148, 149, 323, 324 and 307 of the IPC.
2. As per case of the prosecution, on 21-1-2016 a report was made by one Goswami Ganesh Kiri that he was working under a contractor in NMDC Plant. On 20-1-2016 due to previous dispute for payment of labourers, some dispute took place and when Shekhar Singh along with Gopal Yadav was waiting for bus at 9.30 pm., Sharif Muslaman, Saji and Ajay along with three other persons got down from Maruti Van holding with arms i.e., iron pipe and sword and assaulted the contractor on his head. When he tried to intercept, he was also assaulted by them.

3. Learned counsel appearing for the applicant would submit that a report has been made against six persons i.e., Sarif Musalman, Saji Keralawala and Ajay and other three persons. Since the name of Saji Keralawala was mentioned in FIR, the applicant is apprehending his arrest as his name is also Saji. He would further submit that the present applicant has not committed any offence, therefore, the applicant may be granted 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, perused the case diary and documents.
6. Perused the statement of witness Goswami Ganesh Kiri.
7. Considering the statement of Goswami Ganesh Kiri, at this stage, it cannot be affirmed that Saji Keralawala and Saji Sadanand are one and the same or different persons as in 161 statement name of only Saji was mentioned. Therefore, considering such statement as the investigation is going on, I am not inclined to extend benefit of anticipatory bail to the applicant.
8. Accordingly, the anticipatory bail application is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju