

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 816 of 2016

- Aryan Agrawal @ Nishu S/o Ishwar Chand Agrawal Aged About 21 Years R/o Village Kushalpur Near Bazaar Chowk, Raipur Tahsil - Raipur, Civil & Revenue District - Raipur Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh Through The S. H. O. Police Station - D. D. Nagar, Raipur, Civil & Revenue District - Raipur Chhattisgarh District Magistrate Durg, District Durg Chhattisgarh --- **Respondent**

For the applicant	: Mr Atanu Ghosh, Advocate
For the Respondent	: Ms.Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.09.2016

1. This is first bail application filed under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail to the applicant in connection with Crime No. 124 of 2015 registered at P.S. D.D. Nagar, Raipur (C.G) for the offence punishable u/s 294, 506, 324 & 307 read with section 34 of IPC.
2. As per the prosecution case, on 14.07.2015 the applicant along-with other co-accused has assaulted complainant Mrityunjay Sharma by way of knife with an intention to kill him thereby the offence was committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case as on other occasions Sangram Singh has assaulted one of the co-accused and abducted for which a case was registered against Sangram Singh and in order to save Sangram Singh false allegations have been attributed, therefore, the present

applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail and would submit that the bail application of similarly placed accused Ankit Pandey has been dismissed by this Court in M.Cr.C. No. 1021/2015 on 27.10.2015 and the applicant is not entitled to grant of bail.
5. Considering the facts and circumstances of the case and the fact that the bail of similarly placed co-accused has been dismissed by this Court, it is not a case where the benefit of section 438 Cr.P.C., can be extended to the present applicant.
6. Accordingly, the bail application is dismissed.

**Sd/-
GOUTAM BHADURI
JUDGE**