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HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 847 of 2016

1. Vinod Nag, S/o. Shri Parmesh Nag, aged about 26 years, R/o. Avanti Vihar, Aman Nagar, Raipur, Police Station Telibandha, Raipur, Tahsil and District – Raipur (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, through : Station House Officer, P.S. - Telibandha, Raipur, District – Raipur (C.G.)

---- Respondent

For Applicant : Mr. P.P. Sahu, Advocate

For Respondent/State : Ms. Shobha Kashyap, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/09/2016

1. Apprehending arrest in connection with Crime No.172/2016 registered at Police Station – Telibandha, District – Raipur (C.G.), for offence punishable under Section 323, 294, 506 & 307 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that a report was made by one Purushottam Mehar that on 21.06.2016 his brother Satish went to attend the marriage and during the procession of *Barat* the applicant along with other co-accused has assaulted the victim by way of knife. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case as the incident happened during the procession of *Barat* and only one stab injury was found, therefore, allegation can not be attributed to the present applicant and it is not clear that who has assaulted the injured. Therefore, the counsel prays

that the applicant may be extended the benefit of anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of bail.
5. I have heard the learned counsel appearing for the parties.
6. Perused the statement of injured Mahesh Mehar, wherein the present applicant along with other co-accused have been named. Considering the same it is not a case, where the benefit of Section 438 of Cr.P.C. can be extended to the applicant as it can not be stated that custodial interrogation of the applicant may not be required. Therefore, I am not inclined to grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge