

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 835 of 2016

- Sayyad Mobarak Ali S/o Late Mahboob Ali Aged About 28 Years R/o Geetangali, Sarkanda, Police Station Sarkanda, District Bilaspur, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through Police Station Sarkanda, District Bilaspur, Chhattisgarh. --- **Respondent**

For the applicant	: Mr. Dhirendra Pandey, Advocate
For the Respondent	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.09.2016

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. 344/2016 registered at P.S. Sarkanda, Distt. Bilaspur (C.G) for the offence punishable u/s 452, 323 & 294 of IPC.
2. As per the prosecution case, on 25.05.2016 the applicant went to the house of Rahul Sodhiya to get him consumed liquor. When the complainant Pawan Sodhiya who is brother of Rahul Sodhiya vehemently objected the accused to get his brother drunken, on this the applicant became enraged and came with a base ball and abused and assaulted the complainant and his wife.
3. Learned counsel for the applicant would submit that the incident happened in the family and on a trivial issue the altercation started, therefore, the applicant may be admitted to anticipatory bail.
4. Per contra, learned State Counsel opposes the bail.

5. Perused the statements of complainant Pawan Sodhiya and his wife Rekha Sodhiya.
6. Considering the statements of complainant and his wife I am of the view that it is not a case where the benefit of Section 438 Cr.P.C., can be granted to the applicant. Accordingly, the bail application is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**

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