

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 849 of 2016

1. Mahendra Gupta, S/o. Shri Bheemo Gupta, aged about 47 years, Occupation- Agriculturist, R/o. Midmida, Chowki – Jutemill and P.S. - Kotwali, District – Raigarh (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, through : Station House Officer of the Police Chowki – Jutemill and P.S. - Kotwali, District – Raigarh (C.G.)

---- Respondent

For Applicant : Mr. Abhisek Saraf, Advocate

For Respondent/State : Mr. Neeraj Jain, .Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/09/2016

1. Apprehending arrest in connection with Crime No.295/2016 registered at Police Station – Kotwali, (Police Chowki – Jutemill), District – Raigarh (C.G.), for offence punishable under Section 302/34 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that one Nriplal Pradhan was subjected to assault because of previous enmity by the applicant along with other co-accused persons and eventually he died. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and no allegations are attributed against the applicant. 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 Kandarp Pradhan one of the injured, wherein direct allegation has been attributed against this applicant for causing assault. Taking into such fact 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