

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5584 of 2016

1. Gaurav Agrawal, S/o. Shri Mukesh Agrawal, aged about 24 years, R/o. Rajkishore Nagar, Behind Shivam City, Police Station Sarkanda, District – Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Civil Lines, Bilaspur, District Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. Manoj Kumar Dube, Advocate
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/09/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.464/2016, registered at Police Station – Civil Lines, District – Bilaspur (C.G.) for the offence punishable under Section 147, 148, 294, 506, 327, 323, 34 of Indian Penal Code.
2. The case of the prosecution in brief is that on 04.08.2016, a report was made by Manish Yadav, that Abhay Baruwa, Santosh Garg, Shiva Naidu, Anas Khan, Prafulla and Gaurav Agrawal and others at about 1.00 am in the night entered into scuffle when they gathered to greet one of the leaders of congress. During such gathering, the applicant and other demanded money to drink liquor, which was refused and the dispute started in between them.

Consequently, the complainant and others were assaulted.

3. Learned counsel for the applicant submits that, the applicant has been falsely implicated in this case and the dispute only arose during the gathering of one of the leaders and the applicant is in jail since 04.08.2016. It is further submitted that no allegation is attributed against the applicant for causing assault. Therefore, the counsel submits that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Perusal of the document shows that FIR was made against Abhay Baruwa, Santosh Gargh, Shiva Naidu, Anas Khan, Prafulla and Gaurav Agrawal and except Gaurav Agrawal they are not apprehended till date. Perusal of the statement of Shailendra Singh and Dilip Kumar Mishra would show that the applicant has been named that he is also the assailant. Considering the facts and circumstances and the background of this case and the way the offence has been committed and still the investigation is going on, few of the accused though were named are still absconding, taking into totality of this case, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge