

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 977 /2016

Shiv Prasad @ Patav, S/o. Baisakhu, Aged About 29 Years, R/o. Village Bandha, Police Station Lalpur, Tahsil Lormi, District Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Lalpur, District Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Mr. N.K.Chatterjee, Advocate.
For Respondent : Mr. Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/10/2016

1. Apprehending arrest in connection with Crime No.164/2014 registered at Police Station- Lalpur, District Mungeli (C.G.) for the offence punishable under Section 392/34 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a report was made by Prakash Sahu on 25.06.2014 that when he wanted to fetch diesel, at that time, the applicant alongwith four other co-accused came there and caught hold of him, abused him and thereafter looted an amount of Rs.7,200/- alongwith the mobile and further extended threat to kill him by way of Katta.
3. Learned counsel for the applicant would submit that due to enmity in the village, the applicant has been falsely implicated and initially the applicant was caught by the police but he was allowed to go which goes to show that no offence has been registered against the present applicant, therefore, the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and statement of the complainant. The case diary shows that the applicant was absconding. Considering the nature of allegation and the fact that the applicant appears to be absconding after the incident, this is not a case where the benefit of anticipatory bail can be extended to the applicant.
6. Accordingly, the instant bail application filed under Section 438 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge