

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 972 of 2016**

- Niranjn Singh Chouhan S/o Prithviraj Singh Chouhan Aged About 24 Years R/o House No. O. B. 78, Surya Apartment, Civil Line, Raipur, Tahsil & District - Raipur Chhattisgarh
- Gopal Soni S/o Ghanshyam Soni Aged About 27 Years R/o House No. O. B. 78, Surya Apartment, Civil Line, Raipur, Tahsil & District - Raipur Chhattisgarh

**---- Applicants****Versus**

- State Of Chhattisgarh Through Police Station Civil Line, District - Raipur Chhattisgarh

**---- Respondent**

&amp;

**MCRCA No. 989 of 2016**

- Ajit Kumar Nahar S/o H.K. Nahar Aged About 38 Years R/o House No. O.B. 78, Surya Apartment, Civil Line, Raipur, Tahsil & District Raipur, Chhattisgarh.

**---- Applicant****Versus**

- State Of Chhattisgarh Through Police Station Civil Line, District Raipur, Chhattisgarh.

**---- Respondent**

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| For Applicants       | : | Mr. Arvind Sinha, Advocate      |
| For Respondent/State | : | Mr. U.K.S.Chandel, Panel Lawyer |
| For Objector         | : | Mr. Ankur Agrawal, Advocate.    |

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**Hon'ble Shri Justice Goutam Bhaduri****Order on Board****26-10-2016**

1. Since the aforesaid both the cases arise out of same Crime No. 457 of 2016 which are similar in nature, they are heard analogously and are being disposed of by this common order.

2. The applications under Section 438 of Cr.P.C have been filed by the applicants apprehending their arrest in connection with Crime No. 47 of 2016 registered at Police Station Civil Line, District Raipur (CG) for offence punishable under Sections 294, 506, 324, 34 of the IPC.
3. As per case of the prosecution, on 11-8-2016 complainants Asad Anwar Siddiqui and Badruddin Khokhar went to the applicants who are tenants of Dr. Tusar Kanti Ghosh for collecting the amount of rent. The applicants prayed for further time to deposit the amount rent. When the complainants denied, some altercation started between them and the applicants assaulted the complainants by way of hands and fists and also by way of iron punch whereby Badruddin Khokhar sustained grievous injury on his eye and also Asad Anwar Siddiqui also sustained injury and thereby the aforesaid offence has been committed.
4. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case and there is no direct evidence against the applicants and in fact complainants Asad Anwar Siddiqui and Badruddin Khokhar wanted to get the premises vacated which was resisted by the applicants, therefore, the applicants may be granted benefit of anticipatory bail.
5. Learned State counsel as well as counsel for the objector oppose the prayer for grant of anticipatory bail.

6. I have heard learned counsel for the parties, perused the case diary, documents and medical report.
7. Perused the statements of the injured witnesses Asad Anwar Siddiqui and Badruddin Khokhar in which positive allegations have been attributed the present applicants.
8. Considering the facts and circumstances of the case, nature of allegations and gravity of the offence and further considering the statements of the injured witnesses and the medical report, I am of the considered opinion prima facie that these are not fit cases in which benefit of anticipatory bail can be extended to the applicants.
9. Accordingly, the bail applications filed under Section 438 of the Cr.P.C., are liable to be and are hereby dismissed

Sd/-  
**(Goutam Bhaduri)**  
Judge

Raju