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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1053 of 2016**

1. Braj Kishore Sarthi, S/o. Budhram Sarthi, aged about 26 years, R/o. Village-Bakaruma, Tahsil – Dharamjaigarh, District – Raigarh (C.G.)
2. Vicky Sarthi, S/o. Sunil Sarthi, aged about 24 years, R/o. Village-Bakaruma, Tahsil – Dharamjaigarh, District – Raigarh (C.G.)
3. Pradeep Kumar Rathiya, S/o. Gajatram, aged about 23 years, R/o.Village-Bakaruma, Tahsil – Dharamjaigarh, District- Raigarh (C.G.).
4. Yogesh Rathiya, S/o. Anuj Kumar Rathiya, aged about 20 years, R/o. Village- Bakaruma, Tahsil Dharamjaigarh, District- Raigarh (C.G.).
5. Goldy Sarthi, S/o. Amarsingh Sarthi, aged about 26 years, R/o. Village-Bakaruma, Tahsil – Dharamjaigarh, District – Raigarh (C.G.)
6. Ghurau Sarthi, S/o. Nankiram Sarthi, aged about 65 years, R/o. Village -Bakaruma, Tahsil – Dharamjaigarh, District – Raigarh (C.G.)

----Applicants**Versus**

1. State of Chhattisgarh, Through : Station House Officer, Police Chowki – Rairumakhurd, Police Station – Dharamjaigarh, District – Raigarh (C.G.)

---- Respondent

For Applicants	: Mr. Awadh Tripathi, Advocate
For Respondent/State	: Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****16/12/2016**

1. Apprehending arrest in connection with Crime No.112/2016 registered at Police Chowki - Rairumakhurd, P.S. - Dharamjaigarh, District – Raigarh (C.G.), for offence punishable under Section 147, 149, 307 of Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution case, one Jitendra Sarthi sustained burn injuries on the day of Holi festival on 22.03.2016. Thereafter, he was treated in the hospital. It is alleged that the present applicants

in connivance with each other have caused such burn injury. Thereby the offence has been committed.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case and after one month, the name of the applicants have been inculpated and the complainant on the state of intoxication has sustained such burn injury, and the applicants have not committed any offence. Therefore, the counsel prays that the applicants may be extended the benefit of Section 438 of Cr.P.C.
4. Per contra, learned counsel for the State opposes the application for grant of bail and would submit that the complainant has breathed his last on 21.06.2016.
5. I have heard learned counsel for the parties.
6. Perused the case diary and the dying declaration recorded on 30.04.2016, wherein the applicants Braj Kishore Sarthi, Vicky Sarthi, Pradeep Kumar Rathiya, Yogesh Rathiya, Goldy Sarthi and Ghurau Sarthi have been named. Considering the statements it is not a case, where the benefit of Section 438 of Cr.P.C. can be extended to the applicants as it can not be stated that custodial interrogation of the applicants may not be required. Therefore, I am not inclined to grant anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge