

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 819 of 2017

Dani Prasad Sahu S/o Shri Niranjan Sahu, Aged About 22 Years
R/o Village Amoda, Police Nawagarh, Civil & Revenue District
Janjgir Champa (Chhattisgarh)

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer Police
Nawagarh, Civil & Revenue District Janjgir Champa (Chhattisgarh)

---- Respondent

For applicant – Shri Parasmani Shrivastava, Advocate.
For Respondent/State – Shri Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

13/12/2017

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 106/2017 registered at Police Station Nawagarh, District Janjgir-Champa (C.G.) for offence punishable under Sections 506, 323, 460, 307, 302, 34 of Indian Penal Code (During the investigation offence u/s 302 has been added).
2. As per the prosecution case, a report was made by one Laxmi Narayan Sahu that on 20/06/2017 one Melaram has assaulted Chandrika Sahu and Saraswati which was seen by the complainant and thereafter while he tried to flee away from the place, the present applicant was found to be standing outside the house in the kothar and the time of incident was 2.35 am in the wee hours.
3. Learned counsel for the applicant submits that entire allegation is attributed to Melaram, no allegation is attributed to the present applicant. He submits that documents filed alongwith the petition would show that at the relevant time applicant was not present there and the photographs

would show that at the relevant time the applicant was at the Bandhan Bank, Champa, therefore the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. Perused the case diary and the documents. Incident is of 20/06/2017 at about 2.35 am. In statement of the complainant categorical submission have been made about presence of the applicant. In memorandum of Sitaram other co-accused conspiracy is also been alleged against the present applicant. Considering the statement of complainant Laxmi Narayan Sahu, I am not inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE