

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 1237 of 2016

1. Santosh Kumar S/o Shri Sonar Sahu Aged About 39 Years.

2. Smt. Urmila W/o Shri Santosh Sahu Aged About 35 Years.

Both are R/o Indira Colony Kasdol, Police Station Kasdol, Civil & Revenue District Balodabajar-Bhatapara, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Kasdol, Civil & Revenue District Balodabajar- Bhatapara, Chhattisgarh.

---- Respondent

For applicants – Shri Sunil Sahu, Advocate.

For Respondent/State –Shri U.K.S. Chandel, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

8/03/2017

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No.396/2016 registered at Police Station Kasdol, Distt.-Balodabajar Bhatapara (C.G.) for offence punishable under Sections 323, 294, 186, 353 and 332/34 of Indian Penal Code.

2. As per the prosecution case, a report was made by one Shashikant Khunte on 14/10/2016 that on 23/09/2016 while programme was going at Ajgar Chowk, Kasdol applicant No.1 Santosh Kumar was in drunken condition and was making noise which was objected by complainant Shashikant Khunte. Thereafter when he was taken to the police station it was intercepted by applicant No.2 Urmila being wife and they also assaulted. Thereby offence has been committed.

3. Learned counsel for the applicants submits that complainant is police officer and FIR was registered on 14/10/2016 whereas incident took place on 23/09/2016 and there have been considerable delay has been caused in lodging the FIR. He submits that complainant being police constable has abused and assaulted but instead of lodging report of the applicants report was lodged against the applicants. Learned counsel therefore submits that the applicants may be granted benefit of anticipatory bail.

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

5. Perused the statement of the victim and the report. Considering the same, I am not inclined to extend benefit of anticipatory bail to the applicants.

6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE