

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 72 of 2018

1. Uma Anant W/o Rewaram Anant Aged About 35 Years R/o Village Khothrodh, Police Station Suhela, District Balodabazar-Bhatapara Chhattisgarh

2. Bharat Kumbhkar S/o Bhukan Kumbhkar Aged About 40 Years R/o Village Kharora Police Station Kharora, District (Revenue And Civil) Raipur Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Palari, District (Revenue And Civil) Balodabazar-Bhatapara Chhattisgarh

---- Respondent

For applicants – Shri Vineet Kumar Pandey, Advocate.

For Respondent/State – Shri S.R.J. Jaiswal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/04/2018

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No. 351/2017 registered at Police Station Palari, District (Revenue & Civil)- Balodabazar-Bhatapara (C.G.) for offence punishable under Section 384/34 of IPC.

2. As per the prosecution case, a report was made by one Sanju Kumar Mandle on 6/10/2017 alleging that on 9/09/2017 one gang named Gulabi Gang came in Sumo Vehicle bearing number C.G.17 D 0515 and C.G. 04 D.S. 1500 wherein the applicants and other persons came and forcefully entered into the house of the complainant with allegation that they are selling liquor and demanded money. Having denied the same, altercation took place and one of the sister of the complainant Rajkumari was assaulted. Thereafter, they were in fear and subsequently when family members and the society members advised report was made.

3. Learned counsel for the applicants submits that entire allegation are false. It is stated that after the incident happened on 9/09/2017 there is no reason for the alleged report with delay has been made. He further submits that false allegations have been attributed because of the inter rivalry in the village, therefore 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 Sanju Kumar Mandle and the neighbours also. It has been explained that because of the fear of initial assault report could not be made. Subsequently, with the advise of the people report has been lodged. Case diary documents do not suggest that the applicants were authorised to carry out any project of like nature. Considering the case diary documents, 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