

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. (A) No. 01 of 2018**

Aryan Ghore, (a juvenile), aged about 16 years, Guardian Mother Gouri Ghore, S/o Sanjay Ghore, R/o Near Gurunanak School, Dayalband, P.S. City Kotwarli, Bilaspur, District Bilaspur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through – P.S. City Kotwali, District Bilaspur (C.G.)

---- Non-applicant

For Applicant	:	Smt. Renu Kochar, Advocate.
For State	:	Shri Avinash Singh, Panel Lawyer.

Order On Board

02/05/2018

(1) The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 469/2017 registered at police station City Kotwali, District Bilaspur for the offence punishable under Sections 147, 148, 149, 294, 323, 506B & 307 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant and six other co-accused persons assaulted three complainants namely Priyal Bole, Palla Atle & Rohit Hanshraj by deadly weapons and hand & fist, by which they suffered grievous injuries, which were sufficient to cause death.

(3) Learned counsel appearing for the applicant would submit that the applicant, who is juvenile, has not committed any offence and has been falsely implicated in the offence in question. She submits that there is no role attributed by the present applicant and no useful purpose would be served in arresting him and sending him in jail. She also submits that the counter case has already been registered against the complainant party and, therefore, the applicant may be extended the benefit of Section 438 of the Code of Criminal Procedure.

(4) Per contra, counsel for the State would submit that the manner in which the applicants assaulted the complainant party in furtherance of common intention and common object, the applicants are not entitled for anticipatory bail.

(5) Taking into consideration the nature and gravity of the offence, facts & circumstances of the case and the manner in which the free fight took place between accused persons and the complainant party, this Court is of the view that it is not a fit case to grant anticipatory bail to the applicant. Accordingly, the application is rejected. However, it is directed that if the applicant moves an application for grant of regular bail before the jurisdictional criminal Court after his surrender, the Court concerned shall decide the regular bail application under Section 439 of the Code of Criminal Procedure expeditiously in accordance with law.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-