

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 658 of 2018**

- Farukh Mohammad S/o Faiz Mohammad, Aged About 35 Years R/o Village Pendra Near Lohtaraiya, Talab, P. S. Pendra, District Bilaspur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Gourela, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Yogendra Chaturvedi, Advocate
For Respondent/State	:	Ms. Astha Shukla, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****03/07/2018**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant apprehending his arrest in connection with Crime No.73/2018 registered at Police Station Gourela, District Bilaspur (C.G.) for the offence punishable under Sections 294, 506, 325, 147, 148 & 452 IPC.
2. As per the prosecution case, on 23.03.2018 it is alleged that Bhuvneshwar Gurjar was assaulted by five persons on the ground that he was opposing Ramashankar Upadhyay and the investigation is carried out as on the basis of the call detail the involvement of the present applicant was also found that he was one of the persons.
3. Learned counsel for the applicant would submit that initially after the incident the FIR was lodged on the next date which is against unknown persons and the present applicant and the complainant were known to each other and there was no occasion not to name this applicant, therefore, the applicant

may be given the benefit of anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case-diary. The case-diary reflects that some dispute occurred while digging was made prior to the incident. It appears that the investigation is at the motion stage and the co-accused are absconding along with the applicant. Taking into the stage of investigation, I am not inclined to allow this anticipatory bail application.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu