

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 1007 of 2018

1. Rajesh Pathak S/o Shri Gangasagar Pathak Aged About 28 Years R/o- I.T.I. Sinchai Colony, Rampur, Korba, Outpost Rampur, Tahsil And District- Korba, Chhattisgarh.
2. Chhotu @ Ajay Pathak S/o Shri Gangasagar Pathak Aged About 27 Years R/o- I.T.I. Sinchai Colony, Rampur, Korba, Outpost Rampur, Tahsil And District- Korba, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through- The Incharge- Chowki Rampur, Police Station Kotwali, Korba, District- Korba, Chhattisgarh.

---- Non-applicant

For Applicants : Shri Rahul Mishra, Advocate.

For Non-applicant : Shri Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

20.08.2018

1. This is an application for grant of anticipatory bail under Section 438 of the Cr.P.C. preferred by the applicants.
2. The applicants are apprehending their arrest in connection with Crime No. 395/2018 registered at Chowki Rampur, Police Station – Kotwali, Korba, district - Korba (C.G.), for offence punishable under Sections 294, 323, 34, 506, 326 of the Indian Penal Code.
3. Case of the prosecution, in brief is that there was a land dispute between applicants, Gangasagar and complainant Afrin Khan, Shakila Bano and Arif Khan. On 14.06.2018 at 01:30 pm the Revenue Officers

were measuring the land. Applicants and co-accused Gangasagar reached there, abused the complainant and given threatening to kill. They beaten complainant Afrin, Shakila Bano and Arif by fist, hand and rod. Fracture was found on the right radius bone of the Shakila Bano.

4. Learned counsel for the applicant submits that the applicants have no criminal background. They are innocent and have been falsely implicated in the present case, a case has been registered against the complainant and his family members on the report of the applicants, simple injuries were found in MLC reports of complainant and his family members, therefore, applicants shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Looking to the facts and circumstances of the case, this Court is not inclined to give benefit of Section 438 of the Cr.P.C. to the applicants.
7. Consequently, the present anticipatory bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE