

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 112 of 2019**

1. Pravin Gupta S/o Manharanlal Gupta Aged About 39 Years R/o Village Rahaud Police Station Shivrinarayan, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
2. Lakeshwar Tandon S/o Badri Tandan Aged About 26 Years R/o Village Rahaud Police Station Shivrinarayan, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Shivrinarayan, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Himanshi Kumar Sharma, Advocate.
For the Respondent/State	:	Shri Adil Minhaj, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.02.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicants who are apprehending arrest in connection with Crime No. 246 of 2018, registered at Police Station – Shivrinarayan, Janjgir-Champa, District Janjgir-Champa, Chhattisgarh for the offences punishable under Sections 147, 148, 149 and 307 of the Indian Penal Code.

3. It is submitted by counsel for the applicants that they have been falsely implicated in this case. No case is made out against the applicants. The applicants have also filed a complaint against the complainant party on which the police has not taken any action there had been a case of free-fight and the offence as registered against the applicants is not made out in any sense, therefore, this case is totally without any evidence. Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that applicant No.1 – Pravin Gupta is a habitual offender and it is clear from the facts that there are three consecutive FIRs lodged against him by the complainant party. Hence, the applicants are not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. It is alleged that on the date of incident, these applicants and the other co-accused persons armed with clubs, cricket bat and rods assaulted and injured the complainant with intention to cause grievous injuries to him.

7. After considering the material present in the case-diary, I do not feel inclined to grant anticipatory bail to the applicants in this case.

8. Accordingly, the anticipatory bail application is rejected. However, if the applicants surrender and files an application for regular bail, the same

shall be considered and decided on the same day on its own merits,
if possible.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nimmi