

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 390 of 2019**

Deepak S/o Late L. K. Pandey Aged About 42 Years R/o 27 Kholi, Vikas Nagar, Near Sai Mandir, P. S. Civil Lines, Tehsil And District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Civil Lines, Bilaspur District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sunil Otwani, Advocate.
For the Respondent/State	:	Shri Samdarsh Nirankari, P.L.
For the Objector	:	Shri Ali Asgar, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.03.2019**

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 applicant who is apprehending arrest in connection with Crime No. 974 of 2018, registered at Police Station – Civil Lines, Bilaspur, District – Bilaspur, Chhattisgarh for the offences punishable under Sections 307 and 323 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on

the basis of the material present in the case-diary. The incident had been of a simple accident in which injured - Raju Sharma has suffered injuries, which has been exaggerated in the FIR lodged. The complainant and the witnesses who have stated against this, are interested and making the statement for the police. The injuries suffered by injured – Raju Sharma also not make out a case of attempt to murder. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is evidence of injured witnesses, eyewitness and a chance witness in this case that the applicant assaulted upon the injured with intention to cause his death. Hence, it is prayed that the applicant is not entitled for grant of anticipatory bail.

5. Learned counsel for the Objector has adopted the arguments submitted by the State counsel and submits that it is incident of November, 2018 and since then the applicant is in absconsion. The family member of the applicant have constantly pressurized and threatened the family members of the complainant to compromise the dispute regarding which, a complaint has been filed to the police praying for taking action against the applicant. Hence, no case is made out for grant of anticipatory bail to the applicant.

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

7. According to the FIR lodged, on the date of incident the applicant intentionally dashed the car driven by him against the injured victim – Raja Sharma and then the applicant got down from the car armed with baseball bat and iron chopper, threatening that he would kill the victim, he assaulted him with iron chopper and baseball bat causing injuries to him. The examining doctor has opined that the injuries were present on the body of the victim. Hence, this case.

8. After considering the entire material present in the case-diary, I am of this view that there may be requirement of the applicant for custodial interrogation and recovery of the articles of assault and also looking to the evidence that has been collected so far in the investigation, I do not feel inclined to grant anticipatory bail to the applicant.

9. Accordingly, the anticipatory bail application filed under Section 438 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge