

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 559 of 2019**

Ravikant Chandrakar S/o Tirath Ram Chandrakar Aged About 28 Years R/o Siyaram Nagar, Potiyakala, Ward No. 54, Tahsil And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station- Padmanabhpur, Civil And Revenue District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri P.K. Patel, Advocate.
For the Respondent/State : Shri Rahim Ubwani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.04.2019**

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. 120 of 2019, registered at Police Station Padmanabhpur, District Durg, Chhattisgarh for the offence punishable under Sections 294, 506, 323 and 326 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant himself is the person who had

taken the complainant to the hospital for treatment on finding him injured. The complainant had got injured because he was in drunken condition and had fallen down. FIR is belated by almost 10 days. Hence, it is prayed that the applicant is entitled for grant of anticipatory bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is clear statement of the complainant that the applicant is the person who had assaulted him with some substance which has caused grievous injury on his eye for which he was admitted in the hospital. The delay is explained that the complainant was admitted in the hospital till 12.2.2019 on which date the FIR was lodged. Hence, for these reasons, he is not entitled for grant of anticipatory bail.

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

6. According to the FIR lodged, when the complainant was on his way to home the applicant without any reason started abusing and threatening him and then voluntarily assaulted him with some substance which he had in his hands, this resulted in grievous injury on the eye of the complainant for which he had taken long treatment.

7. Considering the material present in the case-diary and for the reason that there appears to be requirement of custodial interrogation, I am of the view that the applicant does not deserve to be released on anticipatory bail.

8. Accordingly, the anticipatory bail application is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi