

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 672 of 2019**

Sudhir Behra S/o Late Gaurhari Behra Aged About 38 Years Caste- Sodhi,
Village- Toresiha, Police Station And Tahsil- Saraipali, District-
Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Saraipali, District-
Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sanjay Agrawal, Advocate.
For the Respondent/State : Smt. Smita Jha, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.05.2019**

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. 127 of 2019, registered at Police Station – Saraipali, District – Mahasamund, Chhattisgarh for the offence punishable under Sections 269 and 270 of the Indian Penal Code and Section 24 of the Chhattisgarh Ayurvigyan Parishad.

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 placed before the Court by the prosecution. Hence, it is prayed that the applicant 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 all the offences registered against the applicant are bailable in nature, therefore, the application is not maintainable. Hence, no case is made out for grant of anticipatory bail to the applicant.

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

6. The offences under Sections 269 and 270 of the IPC are bailable in nature whereas, the penal provision under Section 24 of the Chhattisgarh Ayurvedic Practices Act is punishable up to 3 years of imprisonment. There is no specific provision to make this offence non-bailable in the said Act, therefore, the offence punishable under Section 24 of the Chhattisgarh Ayurvedic Practices Act is bailable, in accordance with the Schedule of Cr.P.C. Hence, this application is not maintainable, which is disposed off.

7. The applicant is at liberty to present himself before the concerned authority and prays for grant of bail on the basis of the observations made by this Court in this order.

8. Accordingly, the anticipatory bail application is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge