

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 921 of 2019**

Gopi Dhruv S/o Mahesh Kumar Dhruv Aged About 23 Years R/o Shiv Mandir
Jorapara Sarkanda P.S. Sarkanda, District- Bilaspur, Chhattisgarh., District :
Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Sarkanda, District-
Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri P.K. Tulsyan, Advocate.
For the Respondent/State : Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****28.06.2019**

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. 308 of 2019, registered at Police Station – Sarkanda, District Bilaspur, Chhattisgarh for the offence punishable under Sections 294, 323, 506, 427 and 452/ 34 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 placed before the Court by the prosecution. In fact, it was a case in which this applicant himself was commented by the

complainant for the reason that the applicant had a girlfriend and on earlier occasion the applicant was also manhandled by the complainant and others. In the incident that has taken place no house trespass was made in the house of the complainant or his associates even then, Section 452 of the IPC has been added erroneously in the FIR lodged. 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.

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

6. According to the FIR lodged, because of some previous dispute, the applicant alongwith two others committed house trespass in the house of the complainant at about 11:00 pm in the night by breaking open the gate and the door of the house and then they assaulted the complainant and his brother with rods and clubs and also damaged the motorcycle standing in the porch. Hence, the FIR has been lodged.

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

8. Accordingly, the anticipatory bail application is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge