

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1398 of 2019**

1. Tapeswar Yadav S/o Mohit Yadav Aged About 21 Years R/o Barour, Police Station and Tahsil Marwahi, District- Bilaspur, Chhattisgarh.
2. Permeshwar @ Lala Raidas S/o Maneshwar Das Raidas Aged About 20 Years R/o Barour, Police Station and Tahsil Marwahi, District- Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station- Marwahi, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Shri Yogendra Chaturvedi, Advocate.

For Respondent/State : Shri Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****18/10/2019**

1. The Applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending their arrest in connection with Crime No. 73/2019 registered at Police Station Marwahi, District – Bilaspur, (C.G.) for the offence punishable under Sections 341, 307, 392, 186, 294, 506, 353, 34 of Indian Penal Code.
2. In this case, there are total four accused persons. As per the prosecution story, at the relevant time Complainant Deep Shankar Painkra posted as Constable at police station Marwahi, lodged a report to the effect that on 05.07.2019 when he had gone to RTO Office alongwith his friend Kishan Kumar Jogi in his motorcycle for some departmental works, then while returning on the way, both the present Applicants and other co-accused persons abused him with

filthy languages and assaulted him due to which he sustained injuries on his head and back. It is also alleged that accused persons snatched his mobile phone, motor cycle key and money. On the basis of the above background, offence has been registered.

3. Learned Counsel appearing for the Applicants submits that the Applicants are innocent and have been falsely implicated in the present case. He further submits that Applicants have not assaulted the Complainant rather Complainant himself had threatened the Applicants and other villagers who were present at the place of occurrence to attend the weekly market. It is further submitted that Complainant was also demanding money illegally and when Applicants oppose, then Complainant for the same, started fighting with the Applicants. Therefore, *prima facie*, no case can be made out against the present Applicants. Looking to the above, Applicants may be granted the benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties and further considering the facts and circumstances of the case, particularly considering the medical report, Complainant has sustained injuries on his head and as opined by the Doctor, the injuries sustained to the Complainant was dangerous for his life, therefore, in my considered opinion, I am not inclined to extend the benefit of anticipatory bail to the present Applicants.
7. Accordingly, the bail application is rejected.

Sd/-
(Arvind Singh Chandel)
Judge