

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 2014 of 2019

Rajesh Yadav S/o Chamar Singh Aged About 32 Years R/o Village Kodkel,
Police Station And Tehsil Tamnar, District Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Officer In Charge Police Station Tamnaar District
Raigarh, Chhattisgarh

---- Respondent

For Applicant : Ms. Priyamvada Singh Advocate on behalf of Mr.
Sumit Singh, Advocate.

For Respondent/State : Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

09/03/2020

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 186/2019, registered at Police Station Tamnaar, Distt. Raigarh (C.G.) for the offence punishable under Sections 394 & 323/34 of the IPC.
2. As per prosecution story, on 25.09.2019 at about 10:30 PM, complainant Rajiv Shukla was going to Kodkel in his vehicle (Bolero), on the way, the applicant along with 3 other persons were stopped him and committed *marpeet* with him and also looted Rs. 1500 from him. On the basis of report made by the complainant, offence has been registered.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. She further submits that in the FIR name of the applicant is not mentioned, he is implicated only on the basis of memorandum statement of co-accused Kadar Khan. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application and submits that in the FIR name of Kadar Khan was mentioned and according to FIR, 3 persons were present at the time of

incident with Kadar Khan and in the memorandum statement of Kadar Khan, he has named the present applicant. The counsel further submits that since in FIR name of three other co-accused persons was mentioned, therefore, for conducting test identification parade, custodial interrogation of the applicant is required, therefore, he may not be granted benefit of anticipatory bail.

5. I have heard learned Counsel for both the parties and perused the case diary minutely.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by counsel appearing for the State. Without further commenting on other merits of the case, in my considered opinion, it is not a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is rejected.

Sd/-

(Arvind Singh Chandel)
Judge