

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 393 of 2021

Mirza Kalam Baeg S/o Mirza Salam Baeg Aged About 30 Years R/o 104/K. Ward No. 9 Dharsiva Tahsil Dharsiva District Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Dharsiva, District Raipur Chhattisgarh.

---- Respondent

For applicant – Shri S.S. Rajput, Advocate.
For Respondent/State –Smt. Astha Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

28/07/2021

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.438/2020 registered at Police Station Dharsiva District Raipur (C.G.) for offence punishable under Sections 294, 323, 506, 147, 148, 149, 307 of IPC and U/s 25 and 27 of Arms Act.
2. As per the prosecution case, on 11/10/2020 Manisha Shukla made a report that Suresh Pandey initially reported certain assault over a land dispute. Subsequently at 9 pm the applicant and others came back and assaulted Suresh Pandey and the associates.
3. Learned counsel for the applicant submits that the report has been made in the name of Nirja Quereshi and this present applicant is Mirza Kalam Baeg, therefore the applicant has been falsely implicated in this case and he may be granted benefit of anticipatory bail.
4. Per contra, learned State counsel would submit that according to the statement of Manisha Shukla, Nirja Quereshi is the present applicant who has inflicted injury by way of a knife to Ravi Shankar Sahu and he was

admitted to the hospital for about 19 days. It is further submitted that in the incident Abbas Khan and Suresh Pandey was also assaulted.

5. This is an application for grant of anticipatory bail. Therefore if the applicant claims that he is not the same person it can only be established during the course of investigation. Simply because alibi in the name is claimed that cannot be accepted as a gospel truth as identification and custodial interrogation may be required. Considering the nature of allegation and incident, it is not a case where benefit of anticipatory bail can be extended to the applicant.

6. Accordingly, the anticipatory bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE