

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1053 of 2021

- Gopiram Sahu S/o Shri Luturam Sahu Aged About 22 Years R/o Village Kodapuri, P. S. Kunda, Tahsil Pandariya District Kabirdham Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Kunda, District Kabirdham Chhattisgarh

---- Respondent

For Applicant	: Shri Avadhesh Mishra, Advocate
For Respondent/State	: Shri BP Banjare, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

03.09.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No. 27 of 2021 registered at Police Station Kunda, District Kabirdham, Chhattisgarh for commission of offenses punishable under Sections 342, 384, 394 and 34 of IPC.
2. Case of the prosecution, in brief, is that, on 10.02.2021, applicant gave a mobile phone call to complainant/victim stating him that one Motorcycle is available for sale, called him to village-Kodapuri. When the complainant reached village Kodapuri, he was taken by applicant to his house. After some time, co-accused Pappu Sahu came there. He played music system in a very high frequency and thereafter, threw Chilli Powder on face of complainant. They assaulted him by hands, fists, legs and club and also with one sharp edged weapon, Gupti. Complainant received incised injury on his thumb and it started bleeding. Applicant and co-accused demanded Rs.15 lakhs from complainant which was later on reduced to Rs.5 lakhs. Applicant and

co-accused persons snatched Rs.60,000/-, ATM Card and Driving license from complainant and thereafter, applicant left the place of incident prior to them and went to collect money demanded by them. When co-accused Pappu Sahu along with complainant were returning to Pandariya on Motorcycle, it failed due to finishing of petrol near shop of Raipur Tent House. Ravi Markam, who is neighbour of complainant, found him with one other person sitting on Motorcycle near Raipur Tent House. Co-accused asked Ravi Markam to bring petrol from petrol pump and gave Rs.100/- to him. There, complainant saw his worker Deep Yadav and when Pappu Yadav was filling petrol in Motorcycle, complainant fled away with Deep Yadav on his Motorcycle and thereafter, lodged report in concerned Police Station.

3. Applicant, apprehending his arrest, filed this anticipatory bail application after rejection of his application by the Court below.

4. Shri Avadhesh Mishra, learned counsel for the applicant would submit that all the allegations of throwing chilli powder, assault by sharp edged weapon is against Pappu Sahu. Witnesses found complainant along with co-accused Pappu Sahu and not with present applicant. Applicant has not committed any crime as alleged against him, and allegations against applicant are false and frivolous. Hence, he may be enlarged on anticipatory bail.

5. On the other hand, Shri BP Banjare, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that there are serious allegations against applicant, who called

complainant to his village, took him to his house, there, applicant along with co-accused assaulted complainant, it is the applicant, who snatched Rs.60,000/-, ATM Card and Driving license from complainant's pocket. Hence, applicant is not entitled for benefit under Section 438 CrPC.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against present applicant, the manner in which alleged offence is committed and role played by applicant as alleged in FIR and statement of complainant, I do not find it a fit case to enlarge present applicant on anticipatory bail. Accordingly, application is dismissed.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma