

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 1058 of 2021**

- Minor Shubham Ware son of Tiharu Ware, aged about 17 years, resident of village Kotmara, P.S. Sarangarh, Tahsil Sarangarh, District Raigarh Chhattisgarh

Through legal natural guardian father Tiharu Ware, son of late Khyaliram Ware, aged 49 years, resident of village Kotmara, P.S. and Tahsil Sarangarh, District Raigarh, Chhattisgarh

-----Applicant

VERSUS

- State of Chhattisgarh through: the SHO police Station-Sarangarh, District Raigarh, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Udhoram Koshle, Advocate.
For Non-applicant- State	: Mr. Vimlesh Bajpai, Govt. Adv. with Ms. Anjali Singh Chouhan, P.L.

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****13/09/2021**

1. This is **first bail application** filed by applicant under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 244/2021 registered at Police Station Sarangarh, District- Raigarh (C.G.) for the offence punishable under Sections 294, 506, 323, 458, 427/34 of IPC.
2. Case of prosecution is that, on 06.05.2021 at about 10:30 p.m., applicant along with his father Tiharu Ware and mother Gouri Ware (co-accused) entered into the house of complainant Jhanman Das, abused and assaulted him and the other person present there. In the said incident two persons ie. Jhanman Das and Ramvati suffered injuries on their person, mobile phone and motor cycle of complainant were also damaged. Incident was reported by Jhanman Das on 07.05.2021 based on oral complaint, aforementioned crime is registered against applicant and other persons.

3. Mr. Udhoram Kosle, learned counsel for the applicant would submit that false and frivolous allegations have been levelled against the applicant. He submits that applicant has not committed any offence as alleged against him. Applicant is a student took admission in ITI course in stenography trade, hence, he may be enlarged on anticipatory bail. He further submits that co-accused Gouri Bai has lodged report to the concerned police station on 30.01.2021 against false allegation levelled against Tiharu Ware of selling illicit liquor, upon which, police entered into the house of co-accused Gouri, made search, taken Rs. 18500/- kept in suitcase.
4. On the other hand, Mr. Vimlesh Bajpai along with Ms. Anjali Singh Chouhan, learned State counsel opposes the submissions made by learned counsel for the applicant and submits that the incident is of 06.05.2021 wherein applicant along with his father and mother entered into the house of complainant abused and also assaulted complainant and his mother upon which they have suffered injuries on their person. Mobile phone and motor cycle kept in the house was also damaged by applicant and other co-accused persons, hence, applicant is not entitled for grant of bail. He submits that complainant is a kotwar and cause of incident appears to be the report with regard to selling of illicit liquor by co-accused Tiharu Ware. He further submits that the applicant has not placed any documents on record to show that he is prosecuting his studies or has taken admission in ITI course.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration, the nature of allegations levelled against the applicant and other co-accused persons, entire facts and circumstances of the case, incident is of night at about 10:30 pm, I do not find it a fit case to enlarge the applicant on anticipatory bail.
7. Accordingly, anticipatory bail application is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge