

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No.1218 of 2021**

- Chetan Kumar Rajwade, S/o Shri Rajaram Rajwade, caste-Rajwar, aged about 24 years, R/o Junapara (Bishunpur) P.S. Charcha, District Korea (CG)

---- Applicant**Versus**

- State of Chhattisgarh, Through the Station House Officer, Police Station Charcha, District Korea (CG)

---- Non-applicant

For Applicant	:	Mr. Anuroop Panda, Advocate.
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For Non-applicant	:	Mr. Vaibhav Singh, Panel Lawyer
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Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****29/9/2021**

1. This is first application under Section 438 of CrPC for grant of anticipatory bail to applicant as he apprehends his arrest in connection with Crime No.124/2021 registered at Police Station Charcha, District Koriya (CG) for commission of offence punishable under Sections 452, 354, 323 of IPC.
2. Case of the prosecution, in brief, is that on 1.9.2021 at about 7-7:30 p.m. applicant came to the shop of complainant, purchased some articles and when complainant asked him to pay price of goods purchased, he refused to pay. Thereafter, applicant entered into shop of complainant, which was opposed by son of complainant, caught hold of hands of complainant and said to her that if she will accompany him, he will weigh her with money. In the same night, applicant again came to the house of complainant and started hitting doors & windows of her house by legs. Report was lodged by complainant on 4.9.2021 after discussion with family members.
3. Mr. Anuroop Panda, learned counsel for applicant would submit that applicant has not committed any offence as

alleged against him. There was some dispute with regard to non-payment of goods purchased on credit by applicant from the shop of complainant. On the date of incident, some exchange of words took place between the parties on account of non-payment of outstanding amount by applicant. Apart from said dispute, no incident has taken place. Applicant did not enter into shop of complainant. In order to cover delay in lodging of FIR, false allegations have been levelled in FIR. Hence, applicant may be enlarged on anticipatory bail.

4. Mr. Vaibhav Singh, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that allegations levelled against applicant in complaint stand corroborated from the statement of eyewitness by name Ujjawal @ Vicky Khalkkho, 17 years old student of Class-XI. There is *prima facie* involvement of applicant in crime in question, hence, he is not entitled to benefit under Section 438 of CrPC.
5. I have heard learned counsel for the parties.
6. Taking into consideration nature of allegations levelled against applicant; statement of eyewitness Ullhas @ Vicky Khalkkho, who is only 17 years old student of Class XI, I am not inclined to grant anticipatory bail to applicant.
7. Accordingly, anticipatory bail application is rejected.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-