

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRCA No. 1300 of 2021

Lav Bhargav S/o Shri Leela Bhargav, Aged About 24 Years R/o Village Kormi, Police Station Sirgitti, Civil And Revenue District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Acting Through Officer-In-Charge Police Station Sirgitti, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Devesh G. Kela, Advocate
For Non-applicant	:	Mr. Vimlesh Bajpai, Govt. Advocate with Ms. Seema Dixit, Panel Lawyer
For Objector	:	Mr. B.M. Roy, Advocate

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board

21/12/2021

1. Applicant has filed this application for grant of anticipatory bail under Section 438 Cr.P.C. as he is apprehending his arrest in connection with Crime No. 457/2021, registered at Police Station -Sirgitti, District- Bilaspur (C.G.) for the offence punishable under Sections 302, 307, 147, 148, 294, 323, 506 of IPC.
2. Case of prosecution is that on 30.8.2021 at about 9:00 pm, applicant along with other accused persons came to Yadav Mohalla where some religious programme was being organized during festival of Janmastmi. Applicant and other accused person

were armed with club, stick and other sharp edged weapon. After abusing, they have started assaulting persons present there of Yadav Mohalla, upon which, Aman, Ghanshyam, Rinku, Vikas suffered injuries and Durgesh, Umesh and Basant suffered grievous injury. Incident was immediately reported on same day at about 11:15 pm within 2 hrs. by Aman, one of the injured. Based upon which, initially, crime was registered against applicant and other co-accused persons for offence under Sections 307, 147, 148, 294, 323, 506 of IPC. During treatment, Umesh Yadav died, hence, offence under Section 302 of IPC was also added.

3. Learned counsel for applicant would submit that applicant has been falsely implicated in the crime. He was not present on the spot but due to old enmity, name of applicant is also taken by witnesses. He submits that at the place of incident, CCTV camera were also installed and in CCTV footage, presence of applicant is not appearing. This shows that applicant has been falsely implicated in the crime, hence, he may be extended benefit of anticipatory bail under Section 438 of Cr.P.C.
4. Learned counsel for State opposes the submissions made by learned counsel for applicant and would submit that FIR was lodged immediately after the incident by one Aman (injured) wherein specific allegation is levelled against applicant and other accused persons. It is also mentioned that they came to place of incident armed with club, stick and sharp edged weapon, started assaulting persons present there. In the incident, 6-7 persons suffered injuries. Due to grievous injury suffered by Umesh Yadav,

he died during course of treatment. It is also pointed out that submission of counsel for applicant cannot be accepted that applicant was not present because injured Aman lodged report to concerned police station immediately after the incident which was registered at 11:15 pm on same day i.e. within two and half hours of incident and applicant has been specifically named in FIR. Hence, there is prima facie involvement of applicant in commission of offence.

5. Lennard counsel for Objector has adopted submission of learned counsel for State and would submit that applicant was very much present at the time of incident.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, applicant is named in FIR which is lodged within two and half hours of incident by injured Aman and further considering the evidence of Rinku @ Lokesh, Durgesh, Basant Vikas, I do not find present to be a fit case for grant of anticipatory bail to applicant.
7. The application is accordingly rejected.

Sd/-
(Parth Prateem Sahu)
Judge