

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1648 of 2020**

- Sanjay Gupta S/o late Sitaram Prasad Gupta, 38 years, R/o village & Post Dhanpunji, P.S. Nagarnar, District Bastar (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through : Police Station - Bodhghat, District Bastar (C.G.)

---- Respondent

For Applicant : Mr. Prafull N. Bharat, Advocate.
For Respondent. : Mr. Udhaw Sharma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****26/03/2021**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No.220/2020 registered at Police Station - Bodhghat, District Bastar (C.G.) for commission of the offence punishable under Sections 307, 186 and 332 of Indian Penal Code.
2. The prosecution case, in brief, is that on 29.07.2020, P.S. Bodhghat received a secret information that a un-numbered marron colour car is being used for transporting illicit liquor. Based on this, the police party conducted search near NMDC square and found that the said car was coming from Orissa. The police party made an attempt to stop it, but the driver of the said vehicle did not stop and dashed Sub Inspector Ram Vilas Negi as a result of which he fell down and sustained injuries on his body. It is alleged that the said vehicle was

being driven by the present applicant and an attempt has been made to commit murder of Sub Inspector. Based on this, the offence has been registered against the applicant under Sections 307, 186 and 332 of Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that it is the prosecution case that the applicant was coming from Orissa and after the incident, he fled away towards the same direction, which is highly improbable story cooked by the prosecution. He also submits that prior to the incident, a dispute with respect to parking had arisen between the applicant and staff posted at P.S. Bodhghat and in that dispute the police could not implicate the applicant, therefore, the present applicant has been framed in a false and fabricated case. He further submits that there is simple dash to the sub inspector by the vehicle and the injuries sustained by him are simple in nature. Therefore, the present applicant may be granted anticipatory bail.
4. Counsel for the State however opposes the application for anticipatory bail. Learned State counsel submits that the applicant intentionally dashed the Sub Inspector as a result of which he sustained injuries on his body. He also submits that there are as many as 7 criminal cases against the present applicant under various offences.
5. I have heard learned counsel for the parties and perused the case diary.
6. After hearing counsel for the parties and considering the facts

and circumstances of the case, in particular the fact that the present applicant has criminal antecedents, this Court is of the considered opinion that it is not a fit case to grant anticipatory bail to the applicant.

7. Accordingly, the application is dismissed.

Sd/-

(Rajani Dubey)
Judge

pkd