

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1692 of 2020**

- Bharat Rajput, 50 years, S/o. - Sukhram Rajput, R/o.- Village-Navagaon (Venkat), P.S. and Tehsil- Lormi, District Mungeli Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh through the SHO of Police Station of Lormi, District Mungeli Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pallav Mishra, Adv.
For Respondent/State	: Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****07.06.2021**

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. 550/2020 registered at Police Station- Lormi, District Mungeli (C.G.) for commission of the offence punishable under Section 307/34 of the IPC.
2. Case of the prosecution is that, the complainant filed a complaint against the present applicant along with co-accused alleging that they have assaulted on the head of the victim namely Nutan Rajput due to which he sustained grievous injury on his head. They also threatened to kill him.
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 the victim was in the state of intoxication at the time of incident and he used to misbehave with the accused and others due to that a quarrel arose among them. He next added in his submission that

there is a single injury on the head of the victim and, as per report, the said injury is caused by a club which is recovered from the co-accused namely Vijay Rajput. Therefore, the present applicant may be granted anticipatory bail.

4. On the other hand, counsel for the State opposes the application for anticipatory bail and submits that there are 3 eye-witness in this case who have clearly stated against the present applicant in their statement. As per the report, there is a severe injury on the head of the victim, therefore, the present applicant may not be granted anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, nature and gravity of offence in question, at this stage, I am not inclined to release him on anticipatory bail.
6. Accordingly, his anticipatory bail application filed under Section 438 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**