(2018) 07 CHH CK 0170

Chhattisgarh High Court

Case No: MCRCA No. 658 Of 2018

Farukh Mohammad		APPELLANT
	Vs	
State Of Chhattisgarh		RESPONDENT

Date of Decision: July 3, 2018

Acts Referred:

- Indian Penal Code, 1860 - Section 147, 148, 294, 325, 452, 506
- Code Of Criminal Procedure, 1973 - Section 438

Hon'ble Judges: Goutam Bhaduri, J

Bench: Single Bench

Advocate: Yogendra Chaturvedi, Astha Shukla

Final Decision: Dismissed

Judgement

Goutam Bhaduri, J

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant apprehending his arrest in connection with

Crime No.73/2018 registered at Police Station Gourela, District Bilaspur (C.G.) for the offence punishable under Sections 294, 506, 325, 147, 148 &

452 IPC.

2. As per the prosecution case, on 23.03.2018 it is alleged that Bhuvneshwar Gurjar was assaulted by five persons on the ground that he was opposing

Ramashankar Upadhyay and the investigation is carried out as on the basis of the call detail the involvement of the present applicant was also found

that he was one of the persons.

3. Learned counsel for the applicant would submit that initially after the incident the FIR was lodged on the next date which is against unknown

persons and the present applicant and the complainant were known to each other and there was no occasion not to name this applicant, therefore, the

applicant may be given the benefit of anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.

5. Perused the case-diary. The case-diary reflects that some dispute occurred while digging was made prior to the incident. It appears that the

investigation is at the motion stage and the co-accused are absconding along with the applicant. Taking into the stage of investigation, I am not inclined

to allow this anticipatory bail application.

6. Accordingly, the anticipatory bail application is dismissed.