

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 818 /2016

Ghanshyam Yadav, S/o. Gokul Yadav, Aged About 28 Years, Occupation Agriculture, R/o. Village - Karrajore, Police Station - Bagbahar, Tahsil - Pathalgaon, Civil & Revenue Distt. - Jashpur, Distt. Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station - Sitapur, Distt. - Sarguja Chhattisgarh

---- Respondent

For Applicant	:	Mr. Sanjay Agrawal, Advocate.
For Respondent	:	Mr. Ashutosh Pandey, Panel Lawyer .

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/10/2016

1. Apprehending arrest in connection with Crime No.87/2016 registered at Police Station- Sitapur, District Sarguja (C.G.) for the offence punishable under Section 379/34 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, one Vimleshwar Tirkey made a report on 15.06.2016 that on 05.06.2016 in the night, ten cattle of different persons of the village were stolen by one Anand. Subsequently, seven cattle were seized from the possession of Anand, one of the other co-accused, and after his arrest, on his memorandum, the applicant was also named that he was also a party to the incident.
3. Learned counsel for the applicant would submit that the case though started but no report has been made and the applicant has been falsely implicated, therefore, he may be enlarged on anticipatory bail.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.

5. Perusal of the case diary shows that the report was made by one Vimleshwar Tirkey and on the memorandum statement of Anand, who is one of the accused, name of the applicant is disclosed. Taking into such fact, this is not a case where the benefit of Section 438 of Cr.P.C. can be extended to the applicant.
6. Accordingly, the bail application filed under Section 438 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge