



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC (A) No.1135 of 2021

Hiralal Patel **Versus** State of CG

15/9/2021	Mr. Sarfaraj Khan, Advocate for the applicant. Mr. Vimlesh Bajpai, Government Advocate for the State. The matter is today listed for orders on default. The Office has pointed out some defaults in this case. Default No.1 is that in place of 'crime number', it is mentioned that 'not registered yet'. Default No.2 is that in certified copy of impugned order, it is not mentioned that under what 'Section' offence is committed, but in bail application it is mentioned as 'Section 420 of IPC'. Learned counsel for applicant submits that in bail application erroneously offence under Section 420 of IPC is mentioned, but subsequently it was corrected and "Section 420 of IPC" was deleted. He submits that in view of law laid down by Hon'ble Supreme Court, non-registration of FIR will not preclude the applicant from filing anticipatory bail when applicant is having apprehension of his arrest. He submits that if applicant is able to show that he is having apprehension of arrest by placing material before the Court, then application for grant of anticipatory bail can be entertained. In case at hand also, the office of the Collector, District Janjgir Champa (CG) vide order dated 5.8.2021



(Annexure A-3) directed for registration of crime against applicant and one Laxmi Prasad Patel. From the direction issued by the Collector apprehension of arrest of applicant is appearing, hence, anticipatory bail application can be entertained.

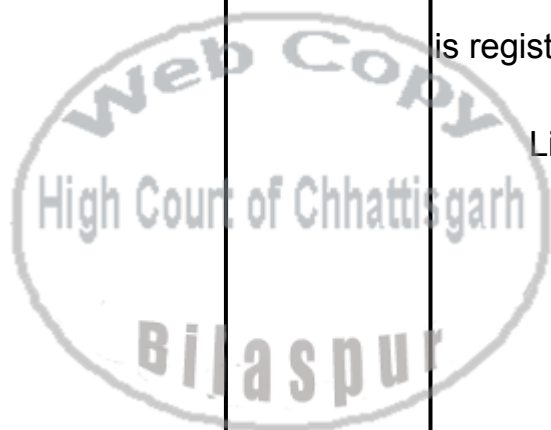
Considering the submissions made by learned counsel for applicant, the defect, as pointed by the office, is hereby overruled.

Admit.

The State Counsel is directed to seek instruction in the matter from the concerned police station and if case is registered, case diary be called.

List the case for final hearing.

Sd/-
(Parth Prateem Sahu)
Judge



roshan/-