

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4377 of 2015**

Tiharu Das, Age-58 years, S/o Late Shri Baijrang Das, R/o Ward No. 05, Baghbahara, Police Station -Baghbahara, Tahsil – Baghbahara, Tahsil – Baghbahar, Civil & Revenue Distt. Mahasaund (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through – P.S.-Chhura, Civil & Revenue District & Distt. Gariyaband (C.G.)

---- Non-applicant

For Applicants:	Shri J.A. Lohani, Advocate.
For Respondent/State:	Shri Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****31/08/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.32/1994 registered at Police Station Chhura, Distt. Gariyaband for the offence punishable under Sections 302, 460,394,396 & 120-B of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that present applicant along with four other co-accused persons murdered one Vishwanath on 16.12.1994 and, thereby, committed the aforesaid offences.

(3) Counsel for the applicant submits that three co-accused persons have already been acquitted from the trial Court; and there is no evidence on record to connect the present applicant in the offence in question; and he is languishing in jail since 28.06.2015 and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that since from the date of offence applicant was absconding and could be arrested with great difficulty by standing/permanent warrant of arrest on 28.06.2015 and, therefore, he is not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case; further considering the evidence available on record and the act of the applicant and the fact that applicant remained absconded for the last twenty years and could be arrested only on 28.06.2015 by standing/permanent warrant of arrest; I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-