

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C(A) No. 1156 of 2015**

Kailash Pradhan S/o. Thandharam Pradhan, Aged about 36 years,
R/o. Kotarliya, Police Station Chakradhar Nagar, Tahsil and District
Raigarh (C.G.)

----Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, P.S.
Chakradhar Nagar, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:-	Shri Ashish Gupta, Advocate.
For Respondent/State	:-	Shri Anand Bajpai Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****27/11/2015**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending her arrest in connection with Crime No. 139/2015, registered at Police Station Chakradhar Nagar, District – Raigarh (C.G.) for offence punishable under Sections 147,148,149,341,294,506-B,323,307, and 435 of IPC.
2. As per the prosecution case, the victim who was driven a car which met with an accident wherein one person has been died. Thereafter the villagers came on the spot and assaulted the victim and burnt the car. Subsequently, the brother of the victim lodged a report against the present applicant and the other villagers, thereafter the Police has registered the crime for the offence punishable under sections 147, 148, 149, 341, 294, 506-B, 323, 307, and 435 of IPC.
3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits that the name of the applicant has not been made in the FIR and the charge sheet

has already been filed. Counsel for the applicant further submits that the actual offence was registered against one Kailash Gupta and not the present applicant i.e. Kailash Pradhan and therefore, he prays that the applicant may be extended the benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of bail and submits that the applicant has been shown to be absconding and in his absence the charge sheet has been filed and taking the fact that the charge sheet has already been filed showing the applicant is to be absconding and in view of the judgment in the case of **State of Madhya Pradesh Vs. Pradeep Sharma 2014 (2) SCC 171,** and therefore, he prayed that the applicant should not be granted the benefit of anticipatory bail

5. Having regard to the fact that the applicant has been declared as absconding, this Court is of the opinion that it is not a fit case where the applicant can be extended the benefit of anticipatory bail.

6. Accordingly, anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE