

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1180 of 2015

Virendra Kumar Yadav @ Veru Yadav, aged about 24 years, son of Shri Goverdhan Yadav, R/o Village Navagaon, Tahsil Masturi, District Bilaspur, Chhattisgarh ... **Applicant**

Vs.

State of Chhattisgarh, through Station House Officer, Police Station Seepat, Tahsil Masturi, District Bilaspur ... **Respondent**

For the applicant	:	Mr. Vaibhav Shukla, Advocate.
For the Respondent	:	Mr. Anant Bajpai, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.12.2015

1. Apprehending arrest in connection with in connection with Crime No. 15/2015 registered at Police station Seepat, Distt. Bilaspur for the offences punishable under sections 147, 148, 149, 353, 186, 506(B) of IPC and Section 136(2)(Kha) of Representative of Peoples Act, 1951, the applicant has filed this application u/s 438 Cr.P.C.
2. As per the prosecution case, on 28.01.2015 election to the post of Sarpanch was held and thereafter process of counting of votes was undertaken. The allegation is that during counting at about 11.30 a.m., in the night, after declaration of certain votes, the applicant along-with other co-accused namely Bhagwat Yadav, Jatirram Yadam, Pyarelal Yadav stormed into the place where the election votes were being counted and thereafter abused the officers, torn out the ballot papers and threw them away.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated due to political rivalry and he has not committed any offence. He further submits that the applicant is young man of aged about 24 years having no criminal antecedents and he is pursuing his studies in Post-Graduation, therefore, he may be

enlarged on anticipatory bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. I have perused the FIR. Perusal of the FIR would show that the applicant has been named in the FIR that he along-with other persons entered into the room where the counting was being done and threw away the ballot papers and also abused the persons who were counting the votes.
6. Considering the fact that the applicant has been named in the FIR and his direct involvement has been stated, it is not a case where benefit of provisions of section 438 Cr.P.C., may be extended. Accordingly, this bail application is dismissed.
7. At this state, learned counsel for the applicant submits that the other co-accused have been granted liberty to surrender and apply for regular bail.
8. If the applicant, so advised, may surrender and move an application for regular bail before the concerned court. If such an application is filed, the concerned Court shall consider and decide the same on merits as early possible preferably on the same day.

Sd/-

**GOUTAM BHADURI
JUDGE**