

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.1225 of 2015

Neeraj Pandey S/o Shyamnath Pandey Aged About 35
Years R/o Nagar Nigam Colony, Vyapar Vihar, P.S. Civil
Line, Civil & Rev. Distt. Bilaspur, Tah. & Distt. Bilaspur,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer,
P.S. Seepat, Distt. Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Arvind Shrivastava, Advocate.
For State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/11/2015

Heard.

1. This is second application for grant of anticipatory bail.
First application was dismissed as withdrawn.

2. Learned counsel for the applicant argued that the
applicant had no intention of looting the coal loaded in the
vehicle. The only intention was to repossess the vehicle under
Hire Purchase Agreement on account of non-payment of
installment at the instance of the Higher Authorities of the
finance company and as per the order of the arbitrator. Learned
counsel for the applicant relies upon the judgment of the
Supreme Court in the case of **Anup Sarmah Vs. Bhola Nath
Sharma and others, (2013) 1 SCC 400.**

3. On the other hand, learned counsel for the State submits that earlier the applicant along with the other co-accused had applied for grant of anticipatory bail and after hearing, the application was dismissed as withdrawn as the Court was not inclined to grant of bail.

4. Taking into consideration the nature of overt act committed by the applicant, particularly with regard to assault and that the vehicle was fully loaded with coal, I am not inclined to extend the benefit of anticipatory bail to the applicant.

5. With the liberty and directions as given earlier by this Court on 06.05.2015, the application is rejected.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E