

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 998 of 2015

Kulnath S/o Arkit Muriya Aged About 26 Years R/o Kudur Parelpara, Thana Mardapal, Occupation Panchayat Secretary Village Kudur, At Present Working Village Bade Bandri, Thana Kondagaon, Civil And Rev. Distt. Kondagaon Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police Station : Mardapal, Revenue & Civil District - Bastar (Chhattisgarh).

---- Respondent

Shri Punit Ruparel, counsel for the applicant/s.
Shri Ashok Swarnakar, Panel Lawyer for the State.

Order On Board

14/10/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.02/2010 registered at police station – Mardapal, Revenue and Civil District – Kondagaon, Chhattisgarh for alleged commission of offences under Section 395/149 of IPC, 25 & 27 of Arms Act, 135 (A) Jan Pratinidhitva Adhiniyam 1951, Section 23, 38 (2), 39 (2) Vidhi Virudh Kriya Kalap Adhiniyam read with Section 34 of IPC.

2. Prosecution case is that in the year 2010, during Panchayat Election, booth was captured by Maoists and ballot papers and other articles were looted. It is alleged that the applicant was one of those persons.

3. Learned counsel for the applicant submits that he was in charge of the vehicle which was deputed to transport election material along with staff deputed in election duty. Therefore, allegation against the applicant is highly improbable. It is further submitted that some of the accused who were arrested were tried and have been acquitted.

4. On the other hand, learned State counsel opposes bail application and submits that according to the prosecution, the applicant is also involved and therefore, the

applicant, who has remained absconding for the last five years, is not entitled to grant of anticipatory bail.

5. Considering the submission of learned counsel for the parties, considering that allegation is of capturing booth and looting election articles, I am not inclined to grant anticipatory bail to the applicant. The application is therefore rejected.

6. Upon surrender by the applicant, he shall be put to identification at the earliest. The applicant may also apply for regular bail which shall be considered by the Court below as early as possible.

Sd/-

**Manindra Mohan Shrivastava
Judge**