

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.147 of 2016

Vicky @ Vivek Pandey S/o Gaurishankar Pandey Aged About 28 Years R/o Niche Para, Tahsil & P.S. Dharamjaigarh, Rev. & Civil District Raigarh, Chhattisgarh.

---- Petitioner

Versus

State Of Chhattisgarh Through Police Station Dharamjaigarh, District Raigarh, Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Bhaskar Payashi, Advocate
For Respondent	:	Shri Satish Gupta, GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/02/2016

This is second application for grant of anticipatory bail.

2. The first application was rejected by this Court on 29-06-2015.
3. Learned counsel for applicant submits that when second application was moved, the trial was proceeded against Tohid Ansari and he has been acquitted and during trial, witnesses have not named the present applicant.
4. On the other hand, learned State counsel submits that the applicant has remained absconding and therefore, he cannot take benefit of fact that other arrested co-accused have been acquitted nor the statement made by the witnesses during trial can be taken benefit of.
5. Considering the nature of allegations against the applicant for commission of offence under Section 302 IPC and at the same time, considering the submission of learned counsel for applicant, it would be proper to direct the applicant to surrender

and then apply for grant of regular bail before the Court below.

6. In the result, the application is rejected. It is observed that in the event of surrender by the applicant and apply for grant of regular bail before the Court below, the same shall be considered and decided within a period of three days from the date of surrender taking into consideration the submission, which have been raised before this Court.

Sd/-

Manindra Mohan Shrivastava

Judge