

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 156 of 2016

- Kulnath S/o Arkit Aged About 39 Years (Wrongly Written As 26 Years), R/o Kudur Parelpara, P.S. Mardapal, Occupation Panchayat Secretary, Village Kudur, At Present Working Village Bade Bandri, P.S. Kondagaon, Civil And Rev. Distt. Kondagaon Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Office, Police Station Mardapal, Rev. And Civil Distt. Bastar Chhattisgarh.

---- Respondent

Shri Raghvendra Pradhan, counsel for the applicant/s.
Shri Satish Gupta, Govt. Adv. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

10/02/2016

This is third bail application for grant of anticipatory bail.

Second bail application was rejected by this Court on 14/10/2015.

Learned counsel for the applicant submits that the third application for grant of bail has been filed to highlight that earlier, State counsel made incorrect statement that the applicant is absconding. He submits that the applicant is continuously dis-charging his duties and not absconding. It is submitted that it is the fault of the police authorities, if he has not been arrested. It is also submitted that in the meantime, trial proceeded against the other co-accused and statement which has been recorded does not involve the applicant. Therefore, in view of these circumstances, the applicant may be granted anticipatory bail.

2. On the other hand, learned State counsel opposes bail application and submits that applicant's application for grant of anticipatory bail was considered by this Court and upon consideration, particularly the allegations

against the applicant of being involved in the alleged incident of looting election booth, the application was rejected. He further submits that the evidence recorded by the Trial Court in trial of other accused cannot be used by the present applicant for taking benefit of anticipatory bail. Therefore, *prima facie* it appears that the applicant is tampering with the prosecution witnesses.

3. This Court earlier considered material on record and rejected application for grant of anticipatory bail on the consideration that the applicant is involved in capturing booth and looting election articles.

4. In view of above, I am not inclined to grant anticipatory bail to the applicant. The application is therefore rejected.

Sd/-

**(Manindra Mohan Shrivastava)
Judge**