

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC(A) No. 276 of 2016**

Rajesh Patel S/o Shri Purshottam Patel, Aged About 35 Years R/o
Mudiyadih, P.S. & Tahsil - Sarangarh, District - Raigarh Civil &
Revenue District - Raigarh Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through The District Magistrate, Raigarh,
Through The Station House Officer, Police Station - Sarangarh,
District Raigarh Chhattisgarh

---- Respondent

For applicant – Shri Mateen Siddiqui, Advocate.
For Respondent/State –Shri Sumit Jhanwar, PL.

Hon'ble Shri Justice Goutam Bhaduri**Order****30/03/2016**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 172/2015 registered at Police Station Sarangarh, District Raigarh (C.G.) for offence punishable under 4(B) & 5 of Explosive Substances Act, 1908.
2. As per the prosecution case on 22/04/2015 at village Gudeli in a complex named Vijay Basant wherein applicant Rajesh Patel had a garage and therefore, from the possession of another co-accused Damodhar Nishad 9 bundles of gun powder, 1 empty detonator and 30.50 meter of detonator wire were recovered and thereafter charge sheet was filed against the applicant and other co-accused.
3. Learned counsel for the applicant would submit that in a full fledged trial of Sessions Trial No.22/2015 other co-accused has been acquitted on the ground that the premises wherefrom the incriminating article were seized prosecution has failed to prove the fact that premises belong to applicant. He further submits that since the other co-accused Damodhar Nishad has been acquitted, therefore the applicant may be granted benefit

of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of bail and submits that applicant was absconding from the day one and after other co-accused has been acquitted, instant bail application is filed.

5. I have perused the case diary and the documents. Charge sheet was filed against Damodhar Nishad and this applicant also. This applicant as appears was absconding. Therefore, considering the fact that applicant was absconding and after other co-accused has been acquitted, this instant bail application is filed, I am not inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is dismissed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE