

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 547 of 2016

1. Moti Lal Tiwari, S/o. Badri Prasad Tiwari, Aged About 70 Years.
2. Kusum Tiwari, W/o. Moti Lal Tiwari, Aged About 61 Years.
3. Pawan Tiwari, S/o. Moti Lal Tiwari, Aged About 29 Years.

All are R/o. Behind New Bus Stand, Rewa, Police Station Saman,
Tahsil Hujur, District Rewa (M.P.)

----Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police Of Police
Station - Chandni, District – Surajpur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Anil Gulati, Advocate

For Respondent/State : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/08/2016

1. Apprehending arrest in connection with Crime No.05/2009 registered at Police Station Chandni, District Surajpur (C.G.) for the offence punishable under Section 302 r/w 34 of Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution case, on 03.01.2009, Archana Tiwari died because of the burn injury and it was the case that the applicants alongwith other co-accused have committed such crime and they were absconding and after one of the accused Akhilesh Tiwari has been acquitted in S.T. No.337/2009 on 27.07.2010, the applicants prefer this anticipatory bail application.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case and one of the co-accused

has been acquitted in sessions trial and no evidence is existing against these applicants, therefore, they may be extended the benefit of anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of bail.
5. Perused the order dated 27.07.2010, which is the acquittal order passed in S.T. No.337/2009, whereby Akhilesh Tiwari has been acquitted. It appears that the case was of January, 2009 and till date the applicants are absconding. Considering the fact that the applicants are absconding and the period of absence and even after the acquittal of co-accused in the year 2010, the applicants never surrendered themselves. Taking into such long absence, I am not inclined to entertain this anticipatory bail application.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge