

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 643 of 2016

- Juber Ansari S/o Abdula Ansari Aged About 24 Years R/o -
Village Korwadih, P.S. Garhwa, Revenue & Civil Distt. -
Garhwa, State -Jharkhand --- **Petitioner**

Versus

- State of Chhattisgarh Through - Police Station - Basantpur,
Post & P.S. Basantpur, District Balrampur Chhattisgarh ----
Respondent

For the applicant	: Mr. A. N. Pandey, Advocate
For the Respondent	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.08.2016

1. This is first bail application filed under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail to the applicant in connection with Crime No. 40 of 2012 registered at P.S. Basant Pur, Distt. Balrampur (C.G) for the offence punishable u/s 302, 120-B/34 of IPC and Sections 25 & 27 of the Arms Act.
2. As per the prosecution case, one Kailash Kushwaha was murdered by gun shot injury and it is alleged that the present applicant and other co-accused Parsu Pawan, Asir Ansari, Mobarak Ansari, Maqsud Ansari, Mehdi Hasan, Suman Ansari, Junaid Ansari, Islam and Afjal Ansari were involved in the incident of murder. The allegation is that the applicant alongwith other accused hatched conspiracy to kill Kailash Kushwaha who was ultimately shot dead by one of co-accused on 02nd/3rd July 2012 while he was going to village for bringing labours for getting his house repaired.
3. Learned counsel for the applicant submits that the other

accused have been acquitted by the trial Court in Sessions Trial No.401/2012 on 18.03.2016 as the evidence was not enough and therefore, the present applicant who was not in know of the case which is pending may be enlarged on anticipatory bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the documents filed along-with the application. On 25.09.2013 the application bearing M.Cr.C.(A).No.973 of 2013 filed by the applicant was dismissed as withdrawn with an undertaking that he will surrender himself and apply for regular bail before the Court below. The said order was not complied and the applicant is still at large.
6. Taking into fact that earlier petition was dismissed as withdrawn on 25.09.2013 on the request of applicant to surrender and apply for regular bail before the Court below and despite his undertaking to surrender himself before the Court, he is still absconding and the present bail application has been filed after passing of the acquittal order of the other co-accused dated 18.03.2016 in Sessions Trial No.401/2012, therefore, I am not inclined to admit the applicant to anticipatory bail.
7. Accordingly, this anticipatory bail application is dismissed.

Sd/-
GOUTAM BHADURI
JUDGE