

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 797 of 2018**

Mahendra @ Pandit S/o Late Kewal Ram Aged About 43 Years R/o Village Sonpur, P. S. Lalpur, District Mungeli Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh Through P. S. Lalpur, District Mungeli Chhattisgarh.

---- Respondent

For Applicant : Mr. K.S. Kurre, Advocate

For Respondent/State : Mr. Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**25/10/2018**

1. Apprehending arrest in connection with Crime No. 09/1997, registered at Police Station – Lalpur, District – Mungeli (C.G.) for offence punishable under Section 363, 366, 376, 118 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. This is second bail application filed by the applicant. The earlier bail application of the applicant has been rejected by this Court vide order dated 04.09.2000 in M.Cr.C. No.4070/2000.
3. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant had been residing in Delhi that is why he has not been able to have knowledge about the trial against him. The co-accused person Nakul Das has been tried and in that trial, the evidence of witnesses that has been recorded do not show any involvement of

this applicant. Therefore, it is prayed the applicant may be enlarged on anticipatory bail.

4. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that earlier application for grant of anticipatory bail has been rejected on merits and the evidence i.e. on record of the trial Court is with respect to the co-accused person and not against this applicant, hence, that can not be taken into consideration in this case. Hence, it is prayed that the application be rejected.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. Subsequent to rejection of earlier bail application under Section 438 of Cr.P.C. on 04.09.2000, it appears that the applicant had full knowledge regarding the trial against him and he has successfully absconded for number of years. The evidence in trial against co-accused can not be read for or against this applicant, hence, for this reason, this Court is not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge