

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. (A). No. 494 of 2017

- Shail Kumar Joshi S/o Maalik Joshi, Aged About 56 Years R/o Gram Manki, Police Station Lormi, District Mungeli, Chhattisgarh., Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The In Charge Officer, Police Station Lormi, District Mungeli, Chhattisgarh., Chhattisgarh.

---- Respondent

For Applicant	: Mr.Mateen Siddique, Advocate
For Respondent/State	: Mr. Aditya Sharma, PL.
For Objector	: Mr. V.C. Ottalwar and Mr. Akhtar Hussain, Advocates.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24.01.2018

1. Apprehending arrest in connection with Crime No.381/2016 registered at Police Station- Lormi, District – Mungeli (C.G.), for offences punishable under Sections 302, 304, 120 B and 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. As per the prosecution case, the applicant was not present on the scene of crime. His son

Shantanu Joshi, who was driving the vehicle has allegedly used the same to cause death of the deceased. The applicant has been implicated only for the reason that he is father of the main accused. In the similar case the co-accused Dev Prasad Joshi has been granted anticipatory bail by co-ordinate Bench of this Court, hence, it is prayed that the applicant may also be granted anticipatory bail.

3. Learned counsel for the State opposes the application and submits that there is a clear allegation against the applicant that the offences committed was a result of conspiracy. The applicant was one of the conspirator, therefore, he is not entitled for grant of anticipatory bail.
4. Learned counsel for the objector submits, that after completion of investigation the charge-sheet has been filed. In the charge-sheet applicant is shown as absconder, for this reason alone, he is not entitled to be granted anticipatory bail. Reliance is placed in the judgment of Supreme Court in **State of Madhya Pradesh Versus Pradeep Sharma** reported in **2014 (2) SCC 171**, in which it has been held that where the accused is declared as an absconder or proclaimed offender in terms of Section 82 of Cr.P.C, in that case he is not entitled for grant of anticipatory bail.
5. Heard counsel for both the parties and perused the case diary.
6. As the case is, on the date of incident on 09.09.2016 because of some dispute regarding Panchayat election, this applicant alongwith co-accused Dev Prasad Joshi and Shantanu Joshi hatched a conspiracy, in accordance with which the deceased Lal Bahadur Dahariya was done to death by using a vehicle driven by co-accused Shantanu Joshi.
7. According to material present in the case diary, there is evidence against this applicant, given by witnesses that he has intended and

conspired to cause death of the deceased in this case, therefore, under these circumstances only for this reason that the co-accused has been granted anticipatory bail, no case is made out in favour of the applicant. Accordingly, the application is dismissed.

Sd /-

(Rajendra Chandra Singh Samant)

Judge

Jamal