

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. (A) No. 1119 of 2017**

Jagadas, S/o Tankdhar Das, aged about 24 years, R/o- Village- Birsekela, Post Officer & Police Station – Boden, District – Nuapada (Odisha)

---- Applicant**Versus**

State of Chhattisgarh, through the Station House Officer, Police Station- Amlipadar, District- Gariyaband (C.G.)

---- Non-applicant

For Applicant: Mr. Shivendu Pandya, Advocate.
For Respondent/State: Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****05/03/2018**

Heard.

(1) The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 12/2014 registered at police station Amlipadar, District Gariyaband (C.G.) for the offences punishable under Sections 397, 458 & 412/34 of the Indian Penal Code and Section 25(1)(b) of the Arms Act (as per charge sheet).

(2) Case of the prosecution, in brief, is that on 30.04.2014 at about 10.30 p.m. present applicant along with other co-accused persons entered into the house of the complainant namely Pawan Awasthi and committed dacoity of 12 tolas gold and also looted Rs.67,000/- cash from his house and thereby committed the aforesaid offences.

(3) Learned counsel for the applicant would submit that the applicant has been falsely implicated in the offence in question as there is no evidence available on record to connect the applicant in the crime in question. He submits that the other similarly situated co-accused persons have already been acquitted by the trial Court by its judgment dated 9.6.2017 and, therefore, the applicant may be extended the benefit of Section 438 of the Code of Criminal Procedure.

(4) On the other hand, learned counsel for the State would submit that the applicant is absconding since 30.04.2014 and only when the other co-accused persons have been acquitted by trial Court by its judgment dated 9.6.2017, this application for anticipatory bail has been filed.

(5) Having heard learned counsel appearing for the parties and taking into account the fact the applicant remain absconded since 30.04.2014 and not assisted to the prosecution in the investigation and the material available on record against the present applicant, I am not inclined to extend the benefit of anticipatory bail in favour of the applicant. Thus, the application for grant of anticipatory bail is rejected.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

