

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 11 of 2019

1. Rahul Singh S/o Dalbahadur Singh, Aged About 28, Years R/o Village - Chintalnar, Police Station – Chintalnar, Tahsil – Konta, District - Sukuma Chhattisgarh.
2. Udaybhan Singh S/o Shiv Pratap Singh, Aged About 27 Years R/o Village – Chintalnar, Police Station- Chintalnar, Tahsil – Konta, District – Sukuma, Chhattisgarh.
3. Manoj Singh S/o Phoolbadan Singh, Aged About 35 Years, R/o Village – Chintalnar, Police Station – Chintalnar, Tahsil – Konta, District – Sukuma, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh, Through : The Police Station Jagargunda, District – Sukuma, Chhattisgarh.

---- Respondent

For Applicants : Mr. Praveen Kumar Tulsyan, Advocate.
For Respondent : Mr. Adil Minhaj, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

04/02/2019

1. Apprehending arrest in connection with Crime No.01/2011, registered at Police Station – Jagargunda, District – Sukma (C.G.) for offence punishable under Sections 147, 148, 149, 302 of the Indian Penal Code and Sections 25 & 27 of Arms Act, the applicants have preferred this application for grant of anticipatory bail.

2. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against these applicants. Similarly placed co-accused namely Vijay Kumar Jaiswal has already been granted anticipatory bail vide order dated 02.11.2018 passed in M.Cr.C.(A.) No. 1400/2018. The applicants have filed documents under a covering memo to show that they were not present at the time of incident. Further there is no specific mention in FIR about the person who had shot dead the deceased. Therefore, these applicants also stand on similar footing as of co-accused Vijay Kumar Jaiswal who has already been released on anticipatory bail. Hence, it is prayed that applicants may also be granted anticipatory bail.

3. Learned counsel for State opposes the application and submissions made in this respect. It is submitted that these applicants had been absconding from the trial since long. Similarly placed co-accused Vijay Kumar Singh has been granted bail by this Court had a different case. Hence, there is no case is made out for anticipatory bail.

4. Heard both the parties and perused the case diary.

5 The incident is of 19.11.2010 when about 25 persons, alleged to be members of banned Naxalite group, arrived at a place in Chintalnar and shot dead deceased Kodi Nagesh, regarding which a case has been investigated and in the course of investigation names of these applicants appeared as the persons who were present on the spot. However, name of co-accused Vijay Kumar has also been mentioned in the FIR but because of the reasons mentioned in the order passed in M.Cr.C.(A.) No.1400/2018 that he had been a Government servant and he had produced the record of his presence on duty at the time of

incident because on which he was granted anticipatory bail. Therefore, the case of these applicants is different from that of co-accused Vijay Kumar Jaiswal and for these reasons, I am of this view that present is not a fit case where the applicants can be granted anticipatory bail.

5. Accordingly, the anticipatory bail application is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha