

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1615 of 2019**

- Pradeep Kumar Sahi S/o Durga Prasad Sahi Aged About 48 Years Caste - Bramhand R/o Village - Budipaar, Police Station - Bharno, Tahsil - Bharno District - Gumla (Jharkhand)

---- Applicant**Versus**

- State Of Chhattisgarh Through Office - In - Charge, Police Station - Jashpur District - Jashpur Chhattisgarh.

---- Respondent

For Applicant	: Shri Sanjeev Kumar Sahu, Advocate.
For Respondent/State	: Ms. Shriya Mishra, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****19/12/2019**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 200/2006 registered at Police Station Jashpur, District – Jashpur, (C.G.) for the offence punishable under Sections 364, 365, 376/34, 366, 343, 387 of Indian Penal Code.
2. As per the prosecution story, on 29.09.2006 present applicant alongwith nine other co-accused persons demanded the commission of Rs. Four Lakhs of road constructions from Pravin Singh. When Pravin Singh denied to give the money, then present applicant and other co-accused persons kidnapped him, took him in jungle and threatened him to kill. It is further alleged that accused persons also

kidnapped one married lady and two unmarried girls and committed rape with them. After completion of investigation, charge-sheet was filed against all the accused persons declaring present applicant absconding.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that, according to prosecution story, Pradeep Kumar whose name has come, is not the present applicant as his place of residence is different. It is further submitted that charge-sheet has been filed and other co-accused persons have already been acquitted. Also, there is no material available on record against present applicant. Therefore, it is prayed that, applicant may be granted anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application. He further submits that there is sufficient material available on record against present applicant. Applicant has been absconding from the beginning i.e. after the commission of alleged crime. Name of the applicant is also mentioned in the '*farari panchnama*'. Therefore, anticipatory bail application of the applicant should be rejected.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and particularly considering the fact that

there is sufficient evidence available on record against present applicant, I am not inclined to extend the benefit of anticipatory bail to the present applicant.

7. Accordingly, the bail application is rejected.

Sd/-

(Arvind Singh Chandel)
Judge

Prakash