

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1575 of 2019

Pappu Chandra @ Bisahu @ Chirradiha S/o Chamru Chandra, aged about 32 years, By Caste Chandra, Occupation: Agriculturist, R/o At Present Chorbhatthi Thana And Tahsil Jaijaipur District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh through District Magistrate Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Parag Kotecha, Advocate.
For Respondent/State	: Mr. Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

12/12/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 48/2019, registered at Police Station Birra, District-Janjgir-Champa (C.G.) for the offence punishable under Sections 147, 294, 323, 506-B, 427, 186, 302 & 341 of IPC.
2. As per prosecution story, on 06.05.2019, deceased Prakash Bharti drove the four-wheeler namely Scorpio bearing registration No. CG 22 H 8034 rashly and negligently due to which accident occurred and it caused the death of two persons and on revenge the villagers and the present Applicant have beaten the deceased due to which

the deceased caused fatal injuries. On the basis of said, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case. He submits that in FIR the name of the Applicant is not mentioned and there is no material evidence available against the Applicant on the basis of which it can be said that he was part of the alleged act and committed any crime therefore, he may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application. He submits that though the name of the Applicant is not mentioned in the F.I.R but one witness namely Sahil Raj in his statement recorded under Section 161 of Cr.P.C mentioned the name of the Applicant. It is further submitted by state counsel that a photograph of the said incident is also available in which a glimpse of the applicant can be seen. Thus, sufficient evidence is available against the Applicant therefore, his bail application be rejected.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, particularly considering the statement of witness namely Sahil Raj and the fact that there is sufficient evidence available against the Applicant with regard to his involvement in the crime-in-question, I am of this opinion that it is not a fit case to grant anticipatory bail to the Applicant.
7. Accordingly, the anticipatory bail application is rejected.

Sd/-

**(Arvind Singh Chandel)
Judge**