

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 277 of 2020**

- Punem Jitendra S/o Sukku Punem Aged About 31 Years Resident of Cherkanti, Police Station - Bijapur, District - Bijapur, Chhattisgarh,

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station - Bijapur, District - Bijapur, Chhattisgarh, District : Bijapur, Chhattisgarh

---- Respondent

For Applicant	:	Mrs. Madhunisha Singh, Advocate.
For State	:	Mr. Vimlesh Bajpai, GA.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****18-06-2020**

Heard.

1. The applicant has preferred this bail application under Section 438 of Code of Criminal Procedure 1973 apprehending his arrest in connection with Crime No. 151 of 2006 registered at Police Station Bijapur, District Bijapur (C.G.) for alleged commission of offence under Sections 147, 148, 149 and 302 of IPC and Sections 25 & 27 of the Arms Act.

2. Case of the prosecution is that on 8-11-2006 victim Samtul Chinu was murdered and in the incident of assault as many as 22 persons were involved including the present applicant.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated, he was never present at the time of

incident which had happened long back. In fact, the applicant was not residing at the place of incident but he was engaged in the employment at Vijayawada since 2006. When he came to his parental house in the year 2019, he came to know that some criminal case was registered against him. Further submission is that out of 22 accused, five accused had already been arrested and they were tried by the trial court and in the trial, all of them have been acquitted on the ground that the witnesses have not supported the case of prosecution.

4. On the other hand, learned counsel for the State opposing the prayer for grant of anticipatory bail would submit that present is a case of commission of heinous offence under Section 302 of IPC and looking to the material on record, the applicant's plea of alibi is a subject matter of consideration during trial.

5. Taking into consideration the submission, material on record and gravity of allegation against the applicant, only on the ground that the applicant is taking plea of alibi, I am not inclined to grant anticipatory bail. Acquittal of other accused cannot be made basis to grant anticipatory bail in serious allegation. The application is, therefore, rejected, leaving the applicant to surrender and apply for regular bail.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E

Raju