

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3242 of 2015

- Prakash Pao s/o. Gareeba Pao, aged about 37 years, r/o. Gram Katra, Thana Marwahi, P.S. Marwahi, Tehsil – Marwahi, District Bilaspur (CG).

---- Applicant

Versus

- State Of Chhattisgarh Through: the Inspector, Police Station Marwahi, District Bilaspur (CG).

---- Respondent

For Applicant	:	Mr. Abhishek Sinha, Advocate.
For Respondent/State	:	Mr. Ramakant Mishra, Dy. Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

13/7/2015

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail, who has been arrested on 21-2--2015 in connection with Crime No. 23 of 2015 registered at Police Station Marwahi, District Bilaspur (CG), for the offence punishable under Sections 147, 148, 353, 332, 435, 458, 427, 395 and 171 (c) of IPC.
2. The case of the prosecution, in brief, is that the present applicant along with other 20 co-accused persons after completion of election robbed ballot papers at voting centre No.60 at Marwahi and burnt the same and thereafter they also damaged the property of the said polling centre and thereby committed the aforesaid offence.
3. Learned counsel appearing for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in the case. He would further submit that the present applicant is not named in the first information report lodged on 1-2-2015 and only he is named in the statement recorded under Section 161 of Cr.P.C. He would further submit that nothing has been seized from the possession of the present applicant, charge-sheet has been filed, he is in jail since 21-2-2015 and no useful purpose would be served by detaining him in jail, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposing the bail application would submit that the applicant along with other co-accused persons interfered with the democratic process, robbed ballot papers and burnt the same is a serious offence, therefore, he is not entitled to be released on bail.
5. I have heard the counsel appearing for the parties and perused the case diary.
6. Taking into consideration all the facts and circumstances of the case, nature and gravity of the offence, present applicant is not named in the first information report, no recovery has been made from the present applicant, charge-sheet has been filed and pre-trial detention of the applicant, I am of the considered opinion that *prima facie* it is a fit case where the applicant can be released on bail.
7. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on his furnishing a personal bond of Rs.25,000/- along with one surety of the like amount to the satisfaction of the trial Court. He shall appear before the trial court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge