

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 2877 OF 2015**

1. Ramsai Vadde, S/o Shri Navel Vadde, Aged about 26 years, Forester, Edka, R/o Remavand, PS Benur, District Narayanpur (C.G.)
2. Pawan Nureti S/o Shri Banshilal, Nureti Aged about 24 years, Labour, R/o Edka, P.S. Narayanpur, District Narayanpur (C.G.)
3. Pradip Kumar Nag S/o Shri Mehattar Nag, Aged about 24 years, Labour, R/o Edka, P.S. Narayanpur, District Narayanpur (C.G.)

---Applicants**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station Narayanpur, District Narayanpur (C.G.)

---Non-applicant

For Applicants	:	Mr. Jitendra Pali, Advocate
For Non-applicant	:	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**C A V Order****31/07/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.186/14, registered at Police Station Narayanpur, Criminal District Kondagaon, for the offence punishable under Sections 147, 148, 149, 364, 302, 120-B of IPC and Section 25 of the Arms Act.

2. Case of the prosecution, in brief, is that, on 24/12/2014, applicant No. 1 deceptively called deceased Budhram Salam in the dense forest and on 25/12/2014, Budhram Salam was found murdered.

3. Learned counsel for the applicants would submit that applicant No.1 is Forest Guard and applicants No.2 & 3 are Labourer. In their routine work at village Edka on 24/12/2014, on the gunpoint, other co-accused persons from the mobile phone of applicant No. 1 called Budhram Salam at their place and taken him to dense forest and relieved the present applicants, thereafter, applicant No.1 has lodged report immediately to his higher authority on 25/12/2014 about the incident. He would further submit that the then Sarpanch Smt. Rameshwari Kawade had made statement on 31/03/2015 that her statement under Section 164 of the Cr.P.C. has been changed by the police. He would further submit that applicants have no criminal antecedent and charge sheet has already been filed. He would lastly submit that applicants are in jail since 25/12/2014, therefore, they are entitled to be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that Budhram Salam has been murdered as he was alleged to be police informant. He would further submit that he was called deceptively by applicant No. 1 at near village Edka. He would further submit that brother of the applicant No. 1-Sahjuram has clearly stated that the applicants No. 1 to 3 are involved in the naxallite activity providing them food and attending meetings. He would refer to the statement of Renuram Salam and Kamlibai wife of deceased, the then Sarpanch- Smt. Rameshwari Kawade to indicate that the applicants are seriously involved in the offence in question. He also referred to the statement of Pawan Kumar Nag that all applicants are involved in Naxillite activities and in the murder of the deceased and caused death of Budhram Salam, therefore, they are not entitled to be released on regular bail.

5. I have heard learned counsel appearing for the parties and perused

the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence, the manner in which applicant No. 1 called deceased-Budhram Salam while he was in company of other co-accused persons and thereafter he was found murdered; statement of brother of the applicant No. 1-Sahjuram that the applicants are involved in assisting co-accused (Naxallite) and their movement by providing food and attending meetings and taking into account the statements of Renuram Salam, Kamlibai, wife of deceased, Sarpanch-Smt. Rameshwari Kawade, Pawan Kumar Nag, this Court is not inclined to release the applicants on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari