

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4174 of 2015**

Lal Singh S/o Bahadur Singh, aged 34 years, R/o Katra, Police Station Marwahi, District-Bilaspur (CG)

---Applicant**Versus**

State of Chhattisgarh Through: Station House Officer, Police of Police Station-Marwahi, District-Bilaspur (CG)

---Non-applicant

For Applicant	:	Mr. B.P.Singh, Advocate
For Non-applicant	:	Mr. Qamrul Aziz, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****25/08/2015**

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 applicant who has been arrested in connection with Crime No.23/2015, registered at Police Station-Marwahi, District-Bilaspur (C.G.), for the offence punishable under Sections 147, 148, 353, 332, 435, 458, 427, 395, 171(c) of the IPC and Section 136/2 of the Public Representative Act, 1951.

2. 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.6 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 for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. 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 2.2.2015 and no useful purpose would be served by detaining him in jail. He would also submit that co-accused Prakash Pao has been enlarged on bail by this Court vide order dated 13.7.2015 in M.Cr.C.No.3242 of 2015 and case of the present applicant is similar to that of the co-accused, therefore, he is also entitled to be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the applicant 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 learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration 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, pre-trial detention of the applicant and the fact that bail was granted to co-accused in M.Cr.C.No.3242 of 2015, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

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

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when

directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-