

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4119 of 2015**

Khemraj Singh S/o Kalyan Singh Portey Aged about 18 years, R/o Gram-Bandhtola (Katra), Thana-Marwahi, District-Bilaspur (CG)

---Applicant**Versus**

State of Chhattisgarh Through the Inspector, Police Station Marwahi, District-Bilaspur (CG)

---Non-applicant

For Applicant	:	Ms S.Harshita, Advocate on behalf of Mr.Abhishek Sinha, Advocate
For Non-applicant	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****19/08/2015**

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. 23/15, registered at Police Station Marwahi, District Biaspur (C.G.), for the offence punishable under Sections 147, 148, 353, 332, 435, 458, 427, 395 and 171(c) of the IPC..
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.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 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 15.4.2015 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 would oppose the bail application and 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 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, 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 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/-