

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6121 of 2015

Amol Singh, S/o. Devsharan Marko, Aged About 33 Years, R/o. Village
Katra, P.S. Marwahi, Distt. Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through: Station House Officer, P.S. Marwahi,
Distt. Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. B.P.Singh, Advocate

For Respondent : Mr. Ramakant Mishra, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure 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 Indian Penal Code.
2. Case of the prosecution, in brief, is that the present applicant along with other co-accused persons after completion of election robbed ballot papers at voting center 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 been falsely implicated in crime in question. He would further submit that the present applicant is not named in the FIR and only he is named in the statement recorded under Section 161 of Cr.P.C. He further

submits that the other co-accused namely Lal Singh has been enlarged on bail by the coordinate Bench of this Court in M.Cr.C. No.4174/2015 and the nature of allegation against this applicant are similar, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail. He would submit that the applicant along with other co-accused 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, nature and gravity of offence, present applicant is not named in the FIR, no recovery has been made from the present applicant, charge sheet has been filed, pre-trial detention of the applicant and the fact that the similar co-accused have already been enlarged on bail by the coordinate Bench of this Court, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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/-
(Goutam Bhaduri)
Judge