

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2956 of 2016

1. Biplaw Poddar S/o Late Badal Poddar Aged About 24 Years R/o P.V. 17, Tahsil Pakhanjore, District U.B. Kanker, Chhattisgarh.
2. Jayant Vishwas S/o Late Shri Jagdish Vishwas Aged About 23 Years R/o P.V. 17, Tahsil Pakhanjore, District U.B. Kanker, Chhattisgarh.
3. Indrajeet Mandal S/o Late Khitish Mandal Aged About 24 Years By Caste Namoshudra, R/o P.V. 125, Tahsil Pakhanjore, District U.B. Kanker, Chhattisgarh.

---- Applicants

Versus

The State of Chhattisgarh Through Police Station Pakhanjore,
District U.B. Kanker, Chhattisgarh.

---- Respondent

For Applicant	:-	Shri Parag Kotecha, Advocate
For Respondent/State	:-	Shri Law Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21.06.2016

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. 38/2014 registered at Police Station- Pakhanjore (At present Gondahur), District Uttar Bastar Kanker (C.G.) for the offence punishable under Sections 395/34 of IPC and 25, 27 of Arms Act.
2. Case of the prosecution, in brief, is that on 25.05.2014, the present applicant along with the other co-accused entered into the house of Bhudhar Mandal and tried to commit dacoiti, at that time the wife of Bhudhar Mandal raised an alarm as such the villagers came down thereby one of the co-accused Shankar Vyapari caught hold by the villagers and he was beaten to death and the other co-accused fled

away from the scene. Subsequently, Anadi was arrested and after the trial he was acquitted from the charges.

3. Counsel for the applicants submits that the applicants have been falsely implicated in this case. He further submits that there was no intention or motive of the applicants to commit the crime. He further submits that the applicants are in jails since 16.11.2015, therefore, the applicants may be enlarged on bail.
4. Counsel for the State opposes the prayer for grant of bail.
5. Perused the case diary and the documents, it is admitted that the applicants were absconding and one of the accused was tried in sessions trial No. 108 of 2014 and on 19th August, 2015 and after his acquittal the present applicants have surfaced. Taking into the fact that all the applicants were absconding and the fact goes against the principles for grant of regular bail. Considering the fact that the applicants were absconding and the statements and documents which is available on record, without any observation on merit, I am not inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge