

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3663 of 2016

1. Shankar Yadav, S/o. Mahangu Yadav, aged about 66 years, R/o. Village- Indagaon, Post Office & Police Station – Indagaon, District – Gariyaband (C.G.)
2. Angad Yadav, S/o. Banshi Yadav, aged about 41 years, Village- Bamhanijhola, Post Office and Police Station – Indagaon, District – Gariyaband (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : the S.H.O., Police Station – Devbhog, District – Gariyaband (C.G.)

---- Respondent

For Applicants	: Mr. Dharmesh Shrivastava, Advocate
For Respondent/State	: Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/07/2016

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.218/2011, registered at Police Station – Devbhog, District – Gariyaband (C.G.) for the offence punishable under Section 147, 148, 149, 342, 323 of I.P.C., 25 of Arms Act and 39 of the Unlawful Activities (Prevention) Act.
2. Case of the prosecution, in brief, is that on 08.09.2011, complainant Pushpa Sahu was taken by few of the naxalite and taken to the Basti of village- Bamhanijhola, thereafter, the applicants who are

also part of naxalite assaulted the complainant on the allegation that the complainant is informant to the police. After the offence was registered, the accused persons were absconding. Thereafter the applicants were arrested.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case only on the basis of memorandum of Harlal, the other co-accused and except that no other evidence is available against the applicants. It is further contended that the applicants are the villagers and are in jail since 30.04.2016 and the charge-sheet in this case has been filed, therefore, the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the documents and the evidence. Considering the facts and circumstance of the case, the nature of allegation and the fact that the applicants belonged to the naxlite group and they were absconding and the incident is of the year 2011. Considering those facts as the applicants were absconding, I am not inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge