

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4354 of 2016

1. Kuman Singh, S/o Samaylal Gond Aged About 50 Years R/o Village Katra, P.S. Marwahi, District Bilaspur Chhattisgarh.
2. Bhim Singh S/o Gulab Gond Aged About 36 Years R/o Village Katra, P.S. Marwahi, District Bilaspur Chhattisgarh.
3. Mahipal Singh S/o Prem Singh Porte Aged About 33 Years R/o Village Katra, P.S. Marwahi, District Bilaspur Chhattisgarh.
4. Ahivaran S/o Shivmangal Gond Aged About 34 Years R/o Village Katra, P.S. Marwahi, District Bilaspur Chhattisgarh.
5. Shivcharan S/o Shivmangal Gond Aged About 37 Years R/o Village Katra, P.S. Marwahi, District Bilaspur Chhattisgarh. --- **Applicants**

Versus

State of Chhattisgarh through S.H.O., Police Station Marwahi, Distt. Bilaspur Chhattisgarh. --- **Respondent**

For Applicants : Mrs. Indira Tripathi, Advocate

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/08/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have 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, 435, 458, 427 & 395 of IPC and Section 136(2) of the Representation of People Act.
2. Case of the prosecution, in brief, is that the present applicants 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 applicants would submit that the applicants have not committed any offence and they have been falsely implicated in crime in question. She further submits that similarly placed co-accused namely Amol Singh have been enlarged on bail by this Court in M.Cr.C. No. 6121/2015 on 17.11.2015 and by the coordinate Bench of this Court in M.Cr.C.4174/2015 and the nature of allegations against the present applicants are not different from that of persons who have been enlarged on bail, therefore, the present applicants may also be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that the applicants along with other co-accused interfered with the democratic process, robbed ballot papers and burnt the same is a serious offence, therefore, they are not entitled to be released on bail. However, he do not dispute the fact that similarly placed co-accused have been granted bail by this Court and coordinate bench of this Court.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the totality of facts and circumstances, nature and gravity of offence, charge sheet has been filed and looking to the pre-trial detention of the applicants as they are stated to be in jail since

29.06.2016 as also the fact that similarly placed co-accused have already been enlarged on bail by this Court and coordinate Bench of this Court, I am inclined to release these applicants also on bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed and It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

**Sd/-
(Goutam Bhaduri)
Judge**

Rao