

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2707 of 2016

Aatmaram Korram S/o Devji Ram Korram Aged About 30 Years R/o
Village Budeli P.S. Korar Revenue & Civil District North Bastar
Kanker Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : The Police Station Korar, District
North Bastar Kanker Chhattisgarh

....Respondent

For Applicant : Shri P.K. Tulsyan, Advocate.

For Respondent : Shri Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

09.06.2016

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 23.06.2015 in connection with crime No.33/2015 registered at Police Station Korar, District North Bastar Kanker (CG) for the offence punishable under Sections 147, 148, 149, 506(B), 427, 435, 121, 121(A), 212 and 120(B) of IPC, 25 & 27 Arms Act and 8(2) (3), C.G. Jan Surksha Adhiniyam (as per challan).

2. Case of the prosecution, in brief, is that the present applicant along with other co-accused is said to have attacked on the premises of M/s. Parv Build Con construction company operating in village

Bhanupratappur, District Kanker, causing damages to the vehicles and other machineries of the said construction company. According to the mines manager's complaint, there were 15 persons, 5 males and the rest females, who had attacked the premises of the company on 12.04.2015. An FIR has been lodged against unknown persons. Consequently, the police authorities have made 42 persons as accused of which 6 have been arrested and 36 are absconding. The counsel for the applicant submits that the present applicant has been implicated only on the basis of the memorandum statement of the co-accused persons and there is no other evidence in the alleged offence which have been leveled against him. He further submits that even a perusal of the memorandum statement of the co-accused persons, they have not stated anything against the present applicant of having participated in any of the naxalites attacks made, more particularly in the attack made at the premises of the said construction company on 12.04.2015. Counsel for the applicant referred to the memorandum statement of the co-accused persons stated that only allegation against the present applicant is that of assisting the naxalites for taking them for treatment and also providing them smooth access in the village in respect of their operation. Apart from that there is no other allegation against him and therefore, the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application on the ground that there are serious allegation leveled against the present applicant and his name has been reflected in the memorandum statement of most of the accused persons and

therefore, taking into consideration the nature of allegation, the present applicant does not deserve to be released on bail.

4. The State counsel referring to the statement of the co-accused Priyanka @ Savita Korram and Baliram Korche stresses hard alleging the role played by the applicant. However, a perusal of the statement of Priyanka @ Savita Korram and Baliram Korche both reflects that they have not made any allegation against the present applicant of playing any active role in the commission of any naxalites attack except the present applicant providing assistance to the naxalites in holding the meeting in the village as also by taking them to the hospital for treatment.
5. Taking into consideration the entire facts of the circumstances, more particularly the fact that there is no direct allegation against the present applicant made in the memorandum statement of the co-accused persons and the applicant not having played an active role in the commission of any offence and also considering the fact that the applicant is in detention since 23.06.2015, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- with two sureties in the like sum to the satisfaction of the concerned Court

for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
V. JUDGE

Rekha