

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 266 of 2016

1. Ramdhar, S/o. Chaitram, aged about 25 years, Caste-Gond, R/o. Village-Aatargaon, Police Station – Dhaudai, District – Narayanpur (C.G.)
2. Dashmen, S/o. Dano, aged about 23 years, Caste-Gond, R/o. Village-Aatargaon, Police Station – Dhaudai, District – Narayanpur (C.G.)
3. Rameshwar, S/o. Buddhu, aged about 27 years, Caste-Gond, R/o. Village-Aatargaon, Police Station – Dhaudai, District – Narayanpur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station Chhotedongar, District Narayanpur (C.G.)

---- Respondent

For Applicants	: Mr. N.K. Chatterjee, Advocate
For Respondent/State	: Mr. Anupam Dubey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/01/2016

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.04/2015, registered at Police Station – Chhotedongar, District – Narayanpur (C.G.) for the offence punishable under Section 147, 148, 149, 307 of Indian Penal Code, Section 25, 27 of Arms Act and Section 3, 5 of Explosive Substance Act.
2. Case of the prosecution, in brief, is that on 03.02.2015, the police party was going on bus to Chhotedongar, when they reached near Rakshanala bridge, the bridge was exploded and fire was opened on to the police party and in the counter when fire was made by police party, they fled away. Subsequently during the investigation, it was

found that the naxalite had held the meeting in the village and the applicants are party to the meeting and it was stated that they exploded a bridge and attacked on the police party and the statement in this regard was recorded.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case. He would further submit that no identification parade was made since the FIR was made against unknown person. He would further submit that the applicants are in jail since 13.03.2015 and the charge-sheet in this case has been filed, therefore, the counsel prays that 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 and perused the case diary.
6. Perusal of the case diary shows that applicants were arrested on 13.03.2015 on the basis of the statement recorded on 05.03.2015, wherein it is stated by the witnesses that the applicants were party to the meetings, which was held by the nuxalite, who attacked the police party, therefore, taking into such fact and the way the offence has been committed, this Court is not inclined to release the applicants on bail. However, the Trial Court is requested to expedite the trial.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge