

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4554 of 2016

Santosh Yadav, S/o. Budhram Yadav, Aged About 25 Years, Caste Rout,
R/o. Block Colony, Darbha, Police Station Darbha, District Bastar,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station
Darbha, District Bastar, Chhattisgarh.

---- Respondent

For Applicant : Mr. Kishore Narayan, Advocate

For Respondent : Mr. Anil S Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17.08.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.50/2015 registered at Police Station- Darbha, District Bastar (C.G.) for the offence punishable under Sections 147, 148, 149, 341, 307, 302, 431, 120-B of Indian Penal Code and Section 25 & 27 of Arms Act, Section 3, 4 of Explosive Substance Act and Section 8(1), (2), (3) of Chhattisgarh Special Public Security Act, 2005 and Section 38(2), 39(2) of Unlawful Activities Prevention Act.
2. As per the prosecution case, on 21.08.2015 at Chikpal village when the police party was going, the Maoists attack took place and on the attack one C.P.Krishnapal died due to the bullet injury and others were injured. It is the case of the prosecution that Paira-bomb was placed so as to make the place lighted and the applicant was seen standing with the other Maoists and subsequently the applicant was arrested and from his possession certain recoveries were made of Maoists banner, Paint & Paper etc.

3. Learned counsel for the applicant would submit that the applicant is a Journalist and though it has been stated that the applicant has been seen in the light but he was not categorically identified by the person which goes to show that the applicant has been falsely implicated. It is further stated that the applicant is a Journalist and he has been falsely implicated in this case and the recovery though made before the memorandum was obtained, therefore, the presence of the applicant on the spot is completely doubtful and it is further stated that the applicant is a Journalist and before arresting him no permission was obtained as per the circular of the State and therefore, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of Mahant Singh wherein it has been categorically stated that he saw the present applicant alongwith other Naxalites. Taking into fact that the seizure was made from the applicant on the basis of memorandum on 02.10.2015 and further considering the statement of the witnesses, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge