

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6245 of 2015

Sanjay Kumar Urvasa, son of Shri Narayan Singh, aged about 22 years,
resident of village Chote Dhousa, P.S. Tadoki, Post Sarandi & Tahsil
Antagarh, Civil and Revenue District North Bastar, Kanker ... **Applicant**

Vs.

State of Chhattisgarh, through Police station Tadoki, Distt. North Bastar,
Kanker (C.G). ... **Respondent**

For the applicant	:	Mr. Rakesh Thakur, Advocate.
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 16/2010 registered at Police station P.S. Tadoki, Distt. North Bastar, Kanker (C.G) for the offences punishable under 147, 148, 149, 307 IPC and Sections 25 & 27 Arms Act.
2. As per the prosecution case, the applicant was a party to unlawful assembly and on 16.12.2010 with the help of other co-accused attacked the police party and opened fire on the police party and the firing continued upto 30-40 minutes and ultimately the applicant along-with other co-accused who were mainly belonged to the alleged Naxalite group fled away in the forest. Thereafter, the applicant was absconding and subsequently he was arrested.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and no offence has been committed and only on presumption, he has been apprehended.
4. Per contra, learned State Counsel opposes the prayer for grant of bail and submits that the applicant has participated in unlawful assembly and opened fire on police party.

5. Perused the case diary. It appears that on secret information received that the out-lawed Naxalites were holding meeting, the police reached there and on having seen the police party, counter attack was made by the Naxalites wherein the applicant appears to have been present in such group and subsequently the applicant along-with other co-accused fled away and he was absconding for five years.
6. Taking into totality of the facts and circumstances of the case and also considering the primary evidence, I am not inclined to allow this bail application. Accordingly, it is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**

Rao