

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6511 of 2016

Babu Lal, S/o. Sunder Singh Gond, Aged About 45 Years, R/o. Village -
Katra, Tahsil & Police Station Marwahi, District – Bilaspur, Chhattisgarh

--- Applicant

Versus

State Of Chhattisgarh, Through Police Station Marwahi, District – Bilaspur,
Chhattisgarh.

--- Respondent

For Applicant : Mr. Shashi Bhushan Tiwari, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25/10/2016

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.23/2015 registered at Police Station- Marwahi, District Bilaspur (C.G.) for the offence punishable under Sections 147, 148, 353, 332, 435, 458, 427, 395 & 171(G) of IPC.
2. Case of the prosecution, in brief, is that the present applicant alongwith 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 applicant would submit that the applicant has not committed any offence and he has been falsely implicated in the crime in question. He further submits that the similarly placed co-accused have been enlarged on bail by this Court in M.Cr.C. No. 6121/2015 on 17.11.2015, in M.Cr.C. No. 4354/2016 on 08.08.2016 and in M.Cr.C. No.4926/2016 on 29.08.2016 and

also by the coordinate Bench of this Court in M.Cr.C. No. 4174/2015 and M.Cr.C. No. 3922/2015 and the nature of allegations against the present applicant are not different from that of persons who have been enlarged on bail, therefore, the present applicant may also be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that the applicant alongwith other co-accused interfered with the democratic process, robbed ballot papers and burnt the same is a serious offence, therefore, he is 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 also the coordinate Bench of this Court.
5. 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 applicant as he is stated to be in jail since 07.09.2016 as also the fact that similarly placed co-accused have already been enlarged on bail by this Court and also the coordinate Bench of this Court, I am inclined to release the applicant also on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge