

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7697 of 2016

Kripal Singh S/o Shri Prem Lal Aged About 35 Years R/o Village,
Tahsil And Police Station Marwahi, District- Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station- Mrwahi, District-
Bilaspur, Chhattisgarh

----Respondent

And

MCRC No. 7817 of 2016

Jagmohan Yadav S/o Shri Ramdin Yadav Aged About 52 Years R/o
Village Katra, Police Station Marwahi, Tehsil- Marwahi, District
Bilaspur, Chhattisgarh.

---- Applicant

Versus

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

--- Respondent

For Applicants : Mr. Shashi Bhushan Tiwari and Mr. Ankit
Singhal, Advocate
For Respondent : Ms. Sunita Jain, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

6/12/2016

1. Both these bail applications are decided by this common order as they are arising out of the same crime number.
2. These are the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have 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(C) of IPC.

3. Case of the prosecution, in brief, is that the present applicants 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.
4. Learned counsels for the applicants would submit that the applicants have not committed any offence and they have been falsely implicated in crime in question. They further submit that the similarly placed co-accused have been enlarged on bail by this Court in M.Cr.C. 4926/2016 on 29/08/2016 and the nature of allegations against the present applicants are not different from that of persons who have been enlarged on bail, therefore, the present applicants may also be enlarged on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that the applicants along with other co-accused interfered with the democratic process, robbed ballot papers and burnt the same is a serious offence, therefore, they are 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.
6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Taking into consideration the totality of facts and circumstances, nature and gravity of offence, charge sheet has been filed as also the fact that similarly placed co-accused have already been enlarged on bail by this Court, I am inclined to release the applicants also on bail.

8. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed and it is directed that the applicants shall be released on bail on each of them furnishing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)

Judge

gouri