

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 212 of 2017

Amar Lal Nag, S/o. Late Mehattar Nag, Aged About 60 Years, R/o. Village Matla (B), Police Station Amabeda, District Kanker, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Station House Office, Police Station Amabeda, District Kanker, Chhattisgarh.

---- Respondent

For Applicant : Mr. R.N.Jha, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27/02/2017

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.13/2001 registered at Police Station- Amabeda, District Kanker (C.G.) for the offence punishable under Sections 147, 148, 149, 307, 120-B, 121, 124(A) of Indian Penal Code and Section 25 & 27 of Arms Act.
2. As per the prosecution case, a report was made on 02.12.2001 that the applicant who was the part of an unlawful assembly of the Naxalite has opened fire on the police whereby few of the police persons were seriously injured by bullet.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated, the other accused have been put to trial and they have been acquitted in three sets of sessions trial and there is no iota of evidence against the present applicant. He further submits that in the FIR the applicant's name do not appear

and no evidence is existing against him, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the copy of FIR. Dehatinalicy shows that the applicant has been named in the FIR alongwith other accused. Taking into such fact and the statement of the witnesses and also the fact that incident is of the year 2001 and the applicant was absconding and he was arrested on 03.02.2016, 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