

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6995 of 2016

Khudiram Vishwas, S/o. Shitin Vishwas, Aged About 47 Years, R/o. Old Market Bacheli, Ward No. 20, District Dantewada, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station - Bhanshi, District Dantewada 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

17/01/2017

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.13/2015 registered at Police Station- Bhanshi, District Dantewada (C.G.) for the offence punishable under Section 13(1)(A)(B), 39(2), 40(A)(B)(C) of Unlawful Activities Prevention Act, Section 8(1)(3)(5) of Chhattisgarh Special Public Security Act, Section 120(B) of I.P.C. and Section 3 of Explosive Substance Act and Section 25, 27 of Arms Act.
2. Case of the prosecution, in brief, is that the applicant along-with other co-accused tried to supply the Lathe machine to the banned organization at Jagdalpur and it is alleged that the present applicant who was carrying the Lathe machine in his Pickup vehicle was apprehended along-with other co-accused.
3. Learned counsel for the applicant would submit that there is no evidence of conspiracy against the present applicant, the applicant

was renting his vehicle and his vehicle was taken on rent by Pappu Khan. He further submits that two witnesses before whom the seizure was made namely Ramesh Kashyap and Mithuram Nag who are seizure witness have turned hostile, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that in the trial program 29 witnesses were enlisted, out of which 28 witnesses have been examined.
5. Taking into fact that the trial is at the fag end, it would not be proper for this Court to give its opinion by picking up the statement of two witnesses. Considering the nature of allegation, it would not be proper to usurp the power of the Trial Court to decide the trial. Consequently, I am not inclined to entertain this bail application.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed. However, the Trial Court is directed to expedite the trial.

Sd/-
(Goutam Bhaduri)
Judge