

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 382 of 2017

- Pandu Korcha @ Khatia s/o. Ranuram Korcha, aged about 32 years r/o. Sangam Patelpara, Tehsil Pakhanjur, PS Pakhanjur, District North Bastar-Kanker (CG).

---- Applicant

Versus

- State of Chhattisgarh Through : Station-in-charge, PS Pakhanjur, District North Bastar Kanker (CG).

---- Respondent

For Applicant : Mr. Ashish Beck, Advocate

For Respondent/State : Mr. Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01-02-2017

1. This is first bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 13-05-2016 in connection with Crime No. 13 of 2016 registered at Police Station Pakhanjur, District North Bastar Kanker (CG), for the offence punishable under Sections 147, 148, 149, 307, 302 & 120(B) of the IPC and Sections 25 & 27 of the Arms Act, 1959.
2. Case of the prosecution, in brief, is that on 13-02-2016 BSF (Border Security Force) and CG Police went to Pakhanjur for conducting a joint operation of Area Domination and when they reached to Sangam Bazaar, at that time they were attacked by the Naxalies whereby Harikesh Prasad was dead by gun shot. Subsequently, during investigation it was revealed that the applicant was one of the party to the said Ambush attack wherein attack was made by the Naxlites and certain arms were recovered from the present applicant

and after three months of the incident the applicant was arrested on 13-5-2016.

3. Learned counsel appearing for the applicant would submit that the applicant was kidnapped on 9-5-2016 while he was in his field for which a report was made to Police and subsequently the applicant has been implicated in the like nature of criminal case. He would further submit that charge-sheet has been filed, the applicant is in jail since 13-5-2016 and no further investigation is necessary, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail application.
5. I have heard learned counsel for the parties, perused the case diary and documents. It appears that in the said ambush attack one person of BSF died.
6. Perused the statements of the witnesses. It appears that during investigation, one Barmar rifle was seized from possession of the applicant.
7. Taking into consideration all the facts and circumstances of the case, nature of allegations and degree of offence and furthering considering the recovery of Barmar rifle from the applicant, I am not inclined to release the applicant on bail.
8. Accordingly, the application filed under Section 439 of the Cr.P.C., is liable to be and is hereby dismissed.

Sd/-

(GOUTAM BHADURI)

Judge

Raju