

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.543 of 2018**

Raju Kindo, S/o Bhoko, aged about 23 years, R/o Chhirodi, Police Station Sanna, District Jashpur, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Station House Officer, Police Station Shankargarh, District Balrampur – Ramanujganj, Chhattisgarh

---- Respondent

For Applicant	:	Shri Rahul Mishra, Advocate
For Respondent/State	:	Shri Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****3.4.2018**

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.164 of 2013 registered at Police Station Shankargarh, District Balrampur - Ramanujganj for offence punishable under Sections 147, 148, 435/149 of the Indian Penal Code, Sections 25(1-ख)(ख)(ख) and 27 of the Arms Act and Sections 23(2), 38(2) and 39(2) of the Unlawful Activities (Prevention) Act.
2. Case of the prosecution, in brief, is that in the intervening night of 18th and 19th of December, 2013, Pokland machine of Complainant Mohd. Alim had been set to fire by some unknown person. It has been alleged that the said incident was caused by naxalites. During investigation, on the basis of memorandum statement of the Applicant, one gun of 315 bore and some alive cartridges were seized from possession of the Applicant.

3. Learned Counsel appearing for the Applicant submits that the Applicant has been falsely implicated in the case. There is nothing on record to show that the Applicant was involved in the alleged incident. The First Information Report was registered against unknown person. There is no eyewitness to the incident. Complainant Mohd. Alim (PW2) and other prosecution witnesses Rajkumar (PW1), Mohd. Mansoor Ansari (PW3) have been examined by the prosecution during trial. They have not stated anything against the present Applicant. He is in custody since 23.12.2013, i.e., for about 4½ years. Trial will take a long time. Therefore, he may be released on bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard Learned Counsel appearing for the parties and perused the entire case diary with due care.
6. Taking into consideration the facts and circumstances of the case, particularly, the facts that the Complainant and other prosecution witnesses have not stated anything against the Applicant, he is in jail since 23.12.2013, i.e., for about 4½ years and trial is likely to take some time, without further commenting on merits of the case, I am inclined to enlarge the Applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.40,000/- with two solvent sureties each of Rs.20,000/- to the satisfaction of the

concerned Trial Court for his appearance before the said Court as
and when directed.

Sd/-
(Arvind Singh Chandel)
JUDGE

Gopal