

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5203 of 2017

1. Niranjan Das & Anr. S/o S/o Ishwar Das Aged About 32 Years R/o Village Telia, Via Ambaguda, Jaipur, District Koraput Orissa.
2. Durjoti Mahan Kod, S/o Late Shri Kushnochand Mahan, Aged About 45 Years R/o Goud Sai Jaipur, P. S. Jaipur, Distirct Koraput Orrissa.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Nagarnar, District Jagdalpur (Chhattisgarh)

---- Respondent

For Applicants : Mr. Satish Chandra Verma, Advocate.

For Respondent : Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/01/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.136/2016, registered at Police Station-Nagarnar, District– Jagdalpur(C.G.) for the offence punishable under Sections 4, 5 of the Explosive Substances Act, 1908 and Section 8(1)(3)(5) of the Chhattisgarh Vishesh Jan Suraksha Adhiniyam, 2005.
2. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. It is submitted on behalf of the applicants that they were abducted by the police personnel of Chhattisgarh Police from Kotpad, Orissa, brought to the

jurisdiction of Chhattisgarh State and thereafter a false case was registered against them. The applicants had preferred WP(Cr.) No.05/2017, Gagan Kumar Dash and Others Vs. State of Chhattisgarh, in which order dated 16.11.2017 has been passed by this Court directing investigation by a Special Investigation Team to find out the truth of the case registered against the applicant. On this basis applicants claim that they are innocent. The applicants are ready and willing to abide all the conditions and directions, which may be imposed while granting bail to them. Hence, it is prayed that applicants be enlarged on bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that applicants had been a part of the network, operating to assist the illegal and banned Maoist groups. A false case of abduction was filed before the Court of Judicial Magistrate in Orissa to make out a ground in favour of the applicants. Hence, it is prayed that applicants are not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. The case registered against the applicants in Police Station-Nagarnar is this, that applicants were found in possession of detonators, gelatin and other explosive items and on the basis of which the case has been registered and after completion of investigation, charge-sheet has been filed. As informed, the trial against the applicants has been stayed by the co-ordinate Bench of this Court in another matter.
6. Considering the submissions made, contents of the case diary and looking to the peculiar circumstances of this case, I am of this view that this is a fit case where the applicants should be enlarged on bail.

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

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha