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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1412 of 2018**

1. Joga Bhaskar, S/o Shri Peese Bhaskar, Aged About 45 Years, R/o- Village- Sarpanch-Para, Kamalur, Police Station- Bhansi, Civil And Revenue District- Dantewada, Chhattisgarh.
2. Lingu Kunjam, S/o. Late Shri Lakhamu Kunjam, Aged About 40 Years, Village- Patel-Para, Pandewar, Police Station- Faraspal, Civil and Revenue District- Dantewada, Chhattisgarh.
3. Sukhanath Telam, S/o. Shri Lachchhu Telam, Aged About 22 Years, Village- Perama-Para, Dhurali, Police Station- Bhansi, Civil and Revenue District- Dantewada, Chhattisgarh.
4. Boti Kunjam, S/o. Shri Lakhamu Kunjam, Aged About 25 Years, Village- Masa-Para, Bhansi, Police Station- Bhansi, Civil And Revenue District- Dantewada, Chhattisgarh.
5. Budhram Kunjam, S/o. Shri Budhu Kunjam, Aged About 31 Years, Village- Masa-Para, Bhansi, Police Station- Bhansi, Civil And Revenue District- Dantewada, Chhattisgarh.
6. Jaggu Bhaskar, S/o. Shri Deva Bhaskar, Aged About 55 Years, Village- Talab-Para, Kamalur, Police Station- Bhansi, Civil And Revenue District- Dantewada, Chhattisgarh.
7. Suresh Bhaskar S/o Shri Mangu Bhaskar Aged About 25 Years, Village- Sarpanch-Para, Kamalur, Police Station-Bhansi, Civil And Revenue District- Dantewada, Chhattisgarh.
8. Mangal Bhaskar, S/o Shri Budharu Bhaskar Aged About 21 Years R/o. Village- Maso-Para, Kamalur, Police Station-Bhansi, Civil And Revenue District- Dantewada, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through- The Station House Officer, Police Station- Bhansi, Civil and Revenue District- Dantewada, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Parasmani Shrivastava, Advocate
For State/respondent	: Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20/06/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.04/2017, registered at Police Station – Bhansi, District – Dantewada (C.G.), for the offence punishable under Section 341, 427, 34 of the Indian Penal Code and Section 150, 151, 152 of the Railway Act.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicants are in jail since more than six months. Charge-sheet has been filed after completion of investigation. No case is made out against the applicants. The only evidence i.e. brought on record is the confession statement of the applicants before the police officer, which is not legally admissible, hence, it is prayed that the applicants may be enlarged on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that these applicants have connection with the banned Naxalite groups and there is evidence of their being engaged in the commission of offence. Hence, they are not entitled for grant of bail.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, the applicants have connection with the Naxalite groups and at their behest they had taken out fish plates of the railway tracks and because of which, two trains were derailed and as such damage was caused to the railways. On complaint made by the railway employee, FIR has been lodged against unknown persons. During the interrogation by the police in presence of the witnesses, the applicant- Jogabhaskar made statement of admission before the police officer, which has been made the basis of prosecution.
6. Considered on the submissions made and the contents of the case diary. After considering on all the material present in the case diary, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge