

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.2394 of 2018**

Hunga Madkam, S/o Late Dhurwa Madkam (father's name wrongly mentioned as Hidma), aged about 32 years, R/o Retampara, Police Gadiras, District Dantewada, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Station House Officer, Police Station Gadiras, District Dantewada, Chhattisgarh

---- Respondent

For Applicant	:	Shri Kishore Narayan, Advocate
For Respondent	:	Shri Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****7.5.2018**

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.20 of 2013 registered at Police Station Gadiras, District Sukma for offence punishable under Sections 148, 307/149 of the Indian Penal Code and Sections 3 and 4 of the Explosive Substances Act.
2. Case of the prosecution, in brief, is that on 10.12.2013, after receiving information from an informant that some naxalites have fixed I.E.D. (Improvised Explosive Device) by using wire, battery and other explosive substances in the main road nearby bridge at the Bhusaras Ghati, the police party reached the spot and diffused the I.E.D. It is alleged that the present Applicant was also a member of the said naxalite team who had fixed the said I.E.D.

3. Learned Counsel appearing for the Applicant submits that the Applicant has falsely been implicated. The incident is of the year 2013. The Applicant was arrested on 9.2.2016. Statements of witnesses under Section 161 of the Code of Criminal Procedure were recorded on the same day, i.e., 10.12.2013 in which the police witnesses have stated that they had learnt from some sources that the present Applicant was also a member of the naxalite team. No direct evidence is available against the Applicant. Charge-sheet has been filed. Trial will take a long time. Therefore, the Applicant may be released on bail.
4. Learned Counsel appearing for the Respondent/State opposes the bail application.
5. I have heard Learned Counsel appearing for the parties and perused the entire material available with due care.
6. Considering the facts and circumstances of the case, particularly that charge-sheet has been filed, the Applicant is in custody since 9.2.2016, trial is likely to take time, without further commenting on merits of the case, I am inclined to release him 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.50,000/- with two solvent sureties each of Rs.25,000/- to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
JUDGE