

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3962 of 2018

Sanjay Kaviraj S/o. Manindra Kaviraj, aged about 50 years R/o Village- P.V. 106
Vikas Palli P.S. Bande, District- North Bastar, Kanker (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through : the Station House Officer, Police Station
Bande, Distt. North Bastar, Kanker (C.G.)

---- Respondent

For Applicant	:	Mr. Pravin Kumar Tulsiyan, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

30/07/2018

1. The applicant has preferred this first bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 6/2015 registered at Police Station- Bande, District- North Bastar (C.G.) for the offence punishable under Section 147, 148, 307/149, 302/149, 396/149, 120 (B), 121, 121(A) of IPC and 25 & 27 of the Arms Act.
2. As per prosecution story on 02/02/2015 after receiving an information about Naxali activity, the police search party went to the spot. It is alleged that the present applicant along with other Naxalite/co-accused started firing over the police search party, due to which SHO- Avinash Sharma and one Sainik- Sonu died. Offence was registered and the applicant was arrested on 19/06/2016.
3. Learned counsel appearing on behalf of the applicant submits that the

applicant is innocent and has been falsely implicated in the present case. Though his name is mentioned in the FIR, but constable- Chandrabhan Tekam (PW3) who lodged the FIR (Ex.P-4) has not said the name of the applicant in his Court statement. He further submits that the applicant is in custody since 19/06/2016, charge-sheet has been filed and the trial is likely to take some, therefore, the applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application and submits that there was named FIR against the present applicant. He further submits that other police witnesses namely – Sukhdev, Narendra Shukla, Vivek and Rajkumar have also named the name of the present applicant in their 161 Cr.P.C statements and thus there is sufficient material against the applicant. He prays for rejection of the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the above facts and circumstances of the case, particularly the evidence collected by the prosecution, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application is rejected.

Sd/-
Judge
Arvind Singh Chandel