

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4557 of 2018**

- Shriram Gawde S/o Budhram Aged About 36 Years By Caste Gond, R/o- Village Anhur, Thana Siksodh, Tahsil Pakhanjore, District- Uttar Baster Kanker, Chhattisgarh., District : Kanker, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through- District Magistrate, District- Uttar Baster Kanker, Chhattisgarh., District : Kanker, Chhattisgarh

---- Respondent

For Applicants	: Mr. Parag Kotecha, Advocate
For State/respondent	: Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****20/07/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.17/2015, registered at Police Station-Siksodh, District-Kanker(C.G.) for the offence punishable under Sections 147, 148, 149, 435/149, 506(B) , 342, 395, 397 of the Indian Penal Code and Section 25 & 27 of Arms Act and Section 13, 15A, 20, 23, 38(2), 39(2), 40(2) of Vidhi Virudha Kriya Kalap (Nivaran)Act.

2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against him. He is the resident of local village, in which, the incident of loot etc. had been done by the members of Hard Core Naxals Group, in which this applicant had no participation, hence, it is prayed that he may be benefited with grant of regular 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 this applicant has been named in the memorandum statement given by the co-accused persons as one of participant in the commission of crime, hence, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to prosecution case, on the date of incident some Hard Core Naxalites gathered the villagers and instigated them to raid the premises of NECO Jaiswal Mining Company where the vehicles and the property of NECO Jaiswal Company was damaged, some articles were looted. It is alleged that the villagers, who participated were armed with axes and other sharp edged weapons, name of this applicant has appeared in the memorandum statement given by co-accused persons.
6. After considering on all the material present in the case diary and looking to the detention period of this applicant in jail, I am of this view that this is a fit case where the applicant should be released on bail.
7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicants shall be released on bail on

his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha