

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4858 of 2018**

Prahlad Kanwar, S/o. Budharu Kanwar, Aged About 35 Years, R/o. Village Gatapar Naka, P. S. Chhuikhadan, District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, P. S. Khairagarh, District Rajnandgaon Chhattisgarh.

----- Respondent

For Applicant : Mr. C.K. Kesharwani, Advocate
For Respondent : Mr. Anil S. Pandey, G. A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**31/07/2018**

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.140/2018, registered at Police Station- Khairagarh, District – Rajnandgaon (C.G.) for the offence punishable under Section 8 (3&5) of Chhattisgarh Jan Suraksha Adhiniyam and Section 18, 21, 38, 39 of Unlawful Activities (Prevention) Act, 1967.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 15.06.2018. No case is made out against him. The allegation that this applicant is associated helper of the banned Maoist group is false and the article

that have been recovered from his possession are general articles, which the applicant kept for sale in his shop and he is local resident of village Gatapar Naka, Police Chhuikhadan, District – Rajnandgaon. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that the statement of this applicant in memorandum clearly discloses that he is associated with Naxalite group and he is engaged in supply of various articles to the said group. The investigation in this case is still pending, hence, it is prayed that the applicant may not be released on bail.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. On the date of incident, this applicant was interrogated and at his instance jungle shoes, electric wire, electric switch and various other articles have been seized from his possession. It is alleged that this applicant had kept the material for supplying the same to the Naxalite group and he is illegally engaged in helping the Nuxalite group by providing and supplying the various articles.
6. Considered the submissions made and the contents of the case diary. It is more than one month is in jail and so far not a single witness has been examined to show the connection of this applicant with the Naxalite group, hence, under these circumstances, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge