

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 4857 of 2018**

1. Ghassu Ram Yadav S/o Lachhinder Yadav Aged About 35 Years R/o Patel Para Baial Present Address Kosta Para Bhairamgarh P.S. Bhairamgarh, District Bijapur, Chhattisgarh
2. Pido Ram Poyam S/o Pandu Poyam Aged About 35 Years R/o Village Belkipadar P.S. Bhairamgarh District Bijapur, Chhattisgarh
3. Mansay Yadav S/o Dhinuram Yadav Aged About 24 Years R/o Sarpanch Para Pitamper Present Address Koshta P.S. Bhairamgarh, District Bijapur, Chhattisgarh
4. Chinna Bhaskar S/o Kodyaram Bhaskar Aged About 44 Years R/o Beltipadar P.S. Bhairamgarh, District Bijapur, Chhattisgarh
5. Sukram Bhaskar S/o Budu Bhaskar Aged About 25 Years R/o Village Beltipadar P.S. Bhairamgarh, District Bijapur, Chhattisgarh
6. Sukmati Hemla D/o Gagaru Hemla Aged About 25 Years R/o Village Beltipadar P.S. Bhairamgarh District Bijapur, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through The Police Station Bhairamgarh,
District Bijapur, Chhattisgarh

----Non-applicant

For Applicants	:	Mr. P.K. Tulsyan, Advocate
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****10/08/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicants, who have been arrested in connection with Crime No. 57/2017 registered at Police Station Bhairamgarh, District Bijapur, Chhattisgarh for the offence punishable under Sections 147, 148, 149, 341, 506(B), 394 of I.P.C. and 25 & 27 of Arms Act and 10, 13, 16 of Vidhi Virudh Kriya Kalap Niwaran Adhiniyam, 2004.
2. The present applicants are in jail between December, 2017 to February, 2018 in connection with the aforesaid Crime number.

3. The allegation against the present applicants as per the case of the prosecution is that the present applicants in connivance with the other co-accused persons is said to have on 11.12.2017 got involved in a naxalite attack and is said to have set at fire a Truck, which was being used for construction of road at village Keskutur Road, Village Gumda, near village Beltipadar, Police Station Bairamgarh, District Bijapur.
4. The counsel for the applicants submits that all the applicants before this Court are rustic villagers and who as per the prosecution itself were villagers, who were carrying bow and arrow on the date of incident. According to the applicants, they were not directly involved in the said commission of crime, but have been falsely implicated. It is further contended that even otherwise at times the villagers have to follow the instructions, which are provided by the Naxalites, failing which it can prove fatal and this also compels the rustic villagers from doing whatever the naxalite's command. He further submits that in the remote area, the life of the villagers are very vulnerable, in as much as either they would be coerced by the naxalites of dire consequences or the police authorities would put undue pressure upon the applicants of falsely implicating them in different cases. He submits that even if the entire version of the prosecution is accepted, even then the only offence which could be made against the applicants is that of an offence under Section 435, which is a bailable offence and thus prayed for granting of bail.
5. The State counsel however opposing the bail application submits that the applicants have been named by the witnesses and it is

found that the present applicants were also involved in commission of the offence, therefore they do not deserve bail.

6. Considering the entire facts and circumstances of the case, particularly taking into consideration that all the applicants are rustic villagers and considering the period of custody undergone, this Court is of the opinion that prima facie a fit case has been made out for grant of bail to the applicants. Accordingly, the present application for grant of bail is allowed.
7. It is directed that the 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 Court for their appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge

Ved