

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5644 of 2018

Bhupendra @ Bado S/o Shri Bhukha yadav, aged about 24 years R/o Village Pipardaba P.S. Samripath Distt. Balrampur- Ramanujganj (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through- SHO, Police Station- Samripath Distt. Balrampur- Ramanujganj (C.G.).

---- Respondent

For Applicant	:	Mr. Dheerendra Pandey, Advocate
For Respondent	:	Mr. Vaibhav Goverdhan, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

25/09/2018

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. 05/2018 registered at Police Station- Samripath Distt. Balrampur (C.G.) for the offence punishable under Sections 147, 148, 149, 323, 435, 427 of IPC, Sections 25 & 27 of the Arms Act, Sections 3 & 5 of the Explosive Substances Act and Sections 8 (1) (3) (5) of the Chhattisgarh Jan Suraksha Adhiniyam, 2005.
2. As per prosecution story, one Govind Lal Maretha lodged a report in the police station- Samripath alleging that in the intervening night of 06/01/2018 at about 1:00 am, Hindalco Kata House, situated at village Kudag, was destroyed by the 40-60 Maoists by using L.E.D. It was further alleged that the said Maoists also destroyed a truck by fire. One Hyva bearing registration No. CG15 A 7310 and Poclain were also

destroyed by them. On the basis of said report, offence has been registered. The allegations against the present applicant is that at the time of the said incident, he helped the said Maoists by showing way to spot.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The main accused are Maoists who have absconded. The applicant is in custody since 11/01/2018, charge-sheet has been filed and the trial will likely to take some time, 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 the offence comes under the category of heinous offence, therefore, the applicant may not be released.
5. Considering the entire facts and circumstances of the case, particularly the fact that the allegation against the present applicant is that he only showed the way to the Maoist, without further commenting on merits of the case, I am inclined to release the applicant on bail.
6. Accordingly, the bail application is allowed.
7. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one surety in the like sum to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge