

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3212 of 2019**

Devaram Barase S/o Late Kosaram Aged About 25 Years R/o Village Chitalnar Mudapara, Police Station Puspall District Sukma Chhattisgarh., District : Sukma, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Puspall, District Sukma Chhattisgarh., District : Sukma, Chhattisgarh.

---- Respondent

For the Applicant : Shri P.K. Tulsyan, Advocate.
For the Respondent/State : Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.07.2019**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.9 of 2017, registered at Police Station – Puspall, District – Sukma, Chhattisgarh for the offence punishable under Sections 148, 302/ 149, 324 and 506(II) of the Indian Penal Code and Sections 25(1-b)(a), 25(1-b)(b) and 27(1) of the Arms Act.

2. Learned counsel for the applicant submits that the applicant is in jail since 21.2.2018 and has been falsely implicated in this case. He has not committed any offence. All the eyewitnesses of the prosecution case have been examined who have very clearly stated that neither they have seen the

applicant on the spot of incident nor they made a statement to the police regarding the presence of this applicant on the spot. The case was likely to be concluded soon but because of arrest of one absconding accused, the Court below has ordered for retrial, therefore, the trial is getting prolonged. Hence, for these reasons, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is evidence present in the prosecution case against this applicant that there is involvement in the commission of crime. Hence, the applicant is not entitled for grant of regular bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, on the date of incident some members of naxal groups murdered - Sonu Dudhi and injured – Kunjami Ayate and also threatened Hadma Kunjami. The allegation against this applicant is that he was associated with the naxalites.

6. Perused the certified copy of the deposition of the eyewitnesses which has been filed alongwith the application and on that basis, I feel inclined to grant bail to the applicant in this case.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge