

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4882 of 2019**

Madkami Hadma (wrongly mentioned as Madkam) S/o Late Hidma Aged About 27 Years Caste Godn R/o Village Nagalguda, Police Station Gadiras, Tahsil Sukma, District Sukma, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Gadiras, District Sukma Chhattisgarh.

---- Respondent

For the Applicant : Shri Praveen Dhurandhar, Advocate.
For the Respondent/State : Shri Roshan Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.08.2019**

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 2018, registered at Police Station – Gadiras, District – Sukma, Chhattisgarh for the offence punishable under Sections 147, 148 and 149 of the Indian Penal Code and Sections 4 & 5 of the Explosive Substances Act.

2. Learned counsel for the applicant submits that the applicant is in jail since 9.7.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The witnesses of search and seizure have been examined before the trial Court who turned hostile and not supported the

prosecution case, therefore, nothing is left in the prosecution against the applicant. Hence, 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.

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

5. According to the prosecution case, on the date of incident a team of police officials and security force were patrolling in the naxal infested area. When they arrived on the spot, some persons who were present there, on seeing the police party started running away. This applicant was chased and caught by the police personnel and from his possession three numbers of gelatin and also one tiffin bomb was seized and some seizure was made from the co-accused person also.

6. On perusal of the certified copy of the deposition of the witnesses of memorandum and seizure and also considering the fact that the trial against the applicant is likely to take some time for its final disposal, 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

Nimmi