

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9966 of 2018

1. Sudaru Lekami S/o Shri Sukada, Aged About 32 Years R/o Village Basanpur, Police Station Bhansi, Civil And Revenue District Dantewada (Chhattisgarh)
2. Bheema Telami S/o Shri Somaru, Aged About 22 Years R/o Village Basanpur, Police Station Bhansi, Civil And Revenue District Dantewada (Chhattisgarh)

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Bhansi, Civil And Revenue District Dantewada Chhattisgarh

---- Respondent

For Applicant : Mr. Parasmani Shrivastava, Advocate.
For Respondent/State : Mrs. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

21/01/2019

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 20/2016, registered at Police Station – Bhansi, District- Dantewada (C.G.) for the offence punishable under Section 427 of the IPC, Section 150, 151, 152 of the Railway Act 1989 and Section 3 of Damages of Public Property Act.
2. As per prosecution story, on 22.08.2016, complainant Mohammad Abdul Maulanahas made a report against some

unknown persons wherein it has been stated that on 20.08.2016, he had driven the Goods Train and were coming from Kotapur to Bacheli along with co-pilot namely Arnab Mandal and guard Anand Ranjanand reached near the Kamalpur-Bhansi Railway Station, the rail line had broken between the K.M. 422/18 to K.M. 423/03 about 100 meters and due to that reason rail engine as well as 17 Vagon (Rail Dikka) has been derailed, therefore caused heavy damage of the railway property. On the basis of memorandum statements of the present applicants one spanner and one Tangiya (axe) which was used for breaking rail line has been seized from their possession. The applicants are in custody since 22.03.2017.

3. Learned Counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that the seizure witnesses have already examined before the Trial Court and they have not supported the case of the prosecution and turned hostile. The applicants are in custody since 22.03.2017 and trial will take some time. Therefore, they may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the seizure witnesses have already examined before the Trial Court and they have not supported the case of the prosecution and turned hostile. The applicants are in custody since 22.03.2017 and trial will likely to take some time, without further commenting on merits of the case, I am inclined to

release the applicant on bail.

7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on each of them executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge