

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7262 of 2020**

- Pappu Munda @ Lalu Munda S/o Late Loda Munda Aged About 25 Years R/o Village - Togaritola, Police Station - Ratu, District - Ranchi (Jharkhand)

---- Applicant

Versus

- State Of Chhattisgarh Through - District Magistrate, Korba, District Korba (Chhattisgarh)

---- Respondent

&**MCRC No. 7297 of 2020**

- Dhanai Uraon S/o Basu Uraon Aged About 19 Years R/o Village - Dongritola, Police Station - Ratu, District - Ranchi, Permanent Address - Pipertolo, Police Station - Algora, District - Ranchi (Jharkhand) (Wrongly Mentioned Chhattisgarh In The Order Sheet)

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station - Kotwali Korba, District - Korba (Chhattisgarh)

---- Respondent

For Applicants	:	Shri Dharmesh Shrivastava, Advocate
For State	:	Smt. Fouzia Mirza, Addl. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****15/12/2020**

At the outset, learned counsel for the applicant seeks to withdraw bail application (MCRC No.7297) of applicant – **Dhanai Uraon**.

Accordingly, **MCRC No.7297/2020** is dismissed as withdrawn.

Heard.

1. The applicant – **Pappu Munda @ Lalu Munda** has been arrested in connection with Crime No.98/2017 registered at Police Station – Kotwali, Korba, District – Korba (C.G.) for alleged commission of offences under Section 394, 397, 307, 34 of IPC and Section 25, 27 of Arms Act.
2. Prosecution case is that the applicant, along with other co-accused, committed dacoity in a jewelery shop and while running away, when one of the police personnel chased to approach them, it is alleged that co-accused – Dhanai Uraon fired gun shot on him with the help of *katta* causing injury.
3. Learned counsel for the applicant would argue that as far as present applicant is concerned, the allegation of using fire arm is not against him but only against the co-accused. The fire arm has been seized from the possession of the co-accused. It is next submitted that the applicant is in jail since 13/03/2017 and 3 years and 9 months have elapsed, but neither the trial has been concluded nor is likely to be concluded early. It is next argued that important prosecution witnesses including persons who are involved in identification have already been examined by the Trial Court but even now, large number of witnesses, about 15 in number, remain to be examined. Therefore, at this stage, the applicant may be granted bail on the ground of delay in conclusion of trial by imposing appropriate conditions.
4. On the other hand, learned State counsel opposes bail application and submits that the offence alleged against the applicant are serious in nature which involves commission of dacoity and also causing injury on police man in firing. It is submitted that though there is delay in trial, this is not attributed entirely to the prosecution because as soon as the accused have been arrested, the witnesses have been examined and re-examined which resulted in delay. It is next submitted that if the applicant is released at this stage, he may flee away from justice which may adversely affect early conclusion of trial.
5. In the present case, the applicant is involved in offence of dacoity and it is alleged that the applicant and other co-accused have looted a jewelery shop. Against one of the co-accused Dhanai Uraon, there is allegation of using fire arm and causing injury on one of the police constable. As far as present applicant is concerned, there is no allegation against him of using fire arm nor any weapon have been seized from the present applicant. The applicant is in jail since 13/03/2017. Trial has not been concluded so far. Therefore, considering the totality of circumstances, particularly taking into consideration the long pre-trial detention of 3

years and 9 months and that the trial is not likely to conclude early as number of witnesses are remained to be examined and that the allegation of using fire arm is only against the co-accused, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant – **Pappu Munda @ Lalu Munda** shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- along with two local sureties of Rs.50,000/- each to the satisfaction of the Trial Court on the condition that -

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not make any attempt to tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge