

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9520 of 2020

- Meghnath Dhru (Complete Name No Mention), S/o Bodi Dhru Aged About 36 Years (Wrongly Mention As 20 Years), R/o Village Chhindbhat, Thana Siksodh, District Uttar Baster Kanker, Chhattisgarh. **---- Applicant**

Versus

- The State of Chhattisgarh, Through: Police Station Antagarh, District- Uttar Baster Kanker, Chhattisgarh.

---- Non-Applicant/State

For Applicant : Shri Parag Kotecha and Shri Shalvik Tiwari,
Advocates
For Non-Applicant/State : Smt. Shubha Shrivastava, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

17.03.2021

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 on 02.09.2020 in connection with Crime No. 38/2004, at Police Station- Antagarh, District- Uttar Bastar Kanker (C.G.) for the offence punishable under Section 395, 397 of IPC, Section 25, 27 of Arms Act and Section 135-A of Representation of People Act.
2. The allegation against the present applicant is that he alongwith other co-accused persons armed with gun, club, knife committed loot of Control Unit, Ballot Unit, tore Voter Register, Voter slip (*matdata parchi*) and assaulted the polling party with knife when they were doing election duty on 20.04.2004 at 2.55 p.m. at Temrupani village, Antagarh.
3. Learned counsel for the applicant submits that the allegation

against the applicant is false and fabricated, he submits that there is no direct evidence against the applicant, only on the basis of suspicion the applicant has been arrested. He next submits that applicant is in jail since 02.09.2020, there is no likelihood of the applicant tampering with the prosecution evidence or absconding and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that prima-facie case is made out against the present applicant because he alongwith other co-accused persons committed loot of ballot unit and assaulted the polling party when they were in election duty.

Learned State counsel further submits that there are as many as two criminal antecedents of the present applicant of the year 2007 for the offence under Section 147, 148, 149, 302, 307, 395 of IPC and Section 25, 27 of Arms Act.

5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegations made against the present applicant, loot of electoral material, assault on polling party with knife, the material collected by the investigation officer, the fact that the present applicant has two criminal antecedents of the year 2007 of similar nature and the applicant remained absconded for nearly about 17 years, I am not inclined to grant bail to the present applicant.

6. Accordingly, the application being without any substance is hereby dismissed.

Sd/-

(Gautam Chourdiya)
Judge