



2026:CGHC:25326-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1096 of 2026

1 - Chinturam Tamrakar S/o Shri Hirasingh Tamrakar Aged About 36 Years R/o Village Sodhvapara, Police Station Siksod, District North Baster Kanker Chhattisgarh

2 - Ramesh Kumar Kumeti S/o Shri Chhattar Singh Kumeti Aged About 55 Years R/o Village Sodhvapara, Police Station Siksod, District North Baster Kanker Chhattisgarh

... Appellant(s)

versus

State Of Chhattisgarh Through The Police Station Korar, District - North Baster Kanker Chhattisgarh

--- Respondent(s)

(Cause-title taken from the Case Information System)

For Appellants : Shri Shreyansh Pathak, Advocate

For Respondent/NIA : Shri SS Baghel, GA

Hon'ble Shri Justice Ramesh Sinha, Chief Justice

Hon'ble Shri Justice Ravindra Kumar Agrawal

Order on Board

Per Ravindra Kumar Agrawal, J.

22.06.2026

Heard Shri Shreyansh Pathak, learned counsel for the appellants. Also heard Shri SS Baghel, learned GA for the NIA.

1. Challenge in this appeal is to the judgment of conviction and order of sentence dated 16.02.2026 passed by the learned Special Judge, NIA Act, Kanker, District-North Bastar, Chhattisgarh in Special Session Trial-10 of 2021, whereby the appellants' bail application filed under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (BNSS) has been rejected. The

appellants have been arrested for the offence under Sections 147, 148, 307/149, 212 of the IPC, Sections 25 and 27 of the Arms Act, and Sections 19, 38(2), 39(2) of the Unlawful Activities (Prevention) Act 2004, and have been arrested on 05.04.2025.

2. Appellants have made the following prayer in the appeal:

“It is therefore, prayed that the appeal may kindly be allowed and the order impugned dated 16.02.2026 may kindly be set aside and the appellants may kindly be released on bail during pendency of the trial in the interest of justice.”

3. Brief facts of the case are that on 07.09.2015, on being received secret information by the Police, they conducted raid in the village Bhaishagaon Nagarmari Hill area, within the jurisdiction of Police Station Korar, District North Bastar, Kanker. During the police operation, it is alleged that several Naxalite members, namely, Prabhakar @ Balmuri Narayan Rao, Raje @ Kange, Rainu Dugga, Sonu, Manoj, Pilaram Mandavi, Shravan Korram, along with 7–8 other unidentified armed Naxalites, formed an unlawful assembly and opened indiscriminate fire on the police party with the common intention of killing police personnel. In response, the police allegedly exercised their right of private defence and retaliated with gunfire. Upon realizing that the police force was larger in strength, the alleged Naxalites raised slogans and fled into the dense forest. A subsequent search of the area led to the alleged recovery of articles belonging to the Naxalite group, including cooking utensils and other daily-use items. Thereafter, Sub-Inspector Mohan Nishad, posted at Police Station Korar, District North Bastar Kanker (Chhattisgarh), lodged a written report, on

the basis of which the present crime was registered against the accused persons. During investigation, the police arrested co-accused Prabhakar @ Balmuri Narayan Rao on 13.12.2024 and recorded his memorandum statement. In the said statement, he allegedly disclosed that the present appellants had assisted him. Based solely on this disclosure statement, the present appellants were implicated and subsequently arrested. After completion of the investigation, the police filed a charge-sheet against the present appellants before the learned Special Court.

4. Learned counsel for the appellants would submit that only with suspicion, appellants were arrested. They were having no connection with any anti-social activity, or naxalite activity. They are simple villagers and arrested by the Police only on suspicion, that they are closely connected with naxalite activities. The alleged articles have not been seized from their exclusive possession but to give the offence more weight, the alleged articles have shown to be seized from the appellants. They have been arrested on 05.04.2025, and final adjudication of this appeal would take some more time. Therefore, appellants may be enlarged on bail.

5. On the other hand, learned counsel for the National Investigation Agency (NIA) opposes the submissions made by learned counsel for the appellants, and would submit that from the evidence available on record, present appellants are directly connected with the offence in question. The activities of the appellants, do affect the public at large that too create loss to the nation, and looking to *prima facie* evidence of their involvement in the offence in question, they are not entitled for bail.

6. We have heard learned counsel for the parties, and perused the material annexed with the appeal.

7. After considering the submissions made by the learned counsel for both parties, as well as the nature of the allegations and the material gathered during the investigation, and further taking into account the seizure of certain articles recovered from possession of the appellants, we are not inclined to grant bail to the appellants.

8. Accordingly, the appeal filed by the appellants- Chinturam Tamrakar and Ramesh Kumar Kumeti is dismissed.

9. Needless to say that the trial Court concerned is at liberty to proceed and conclude the trial expeditiously.

10. Office is directed to send certified copy of this order to the trial Court concerned for necessary information and compliance.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice