

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 980 of 2016

1. Madkam Soma S/o Madkam Bhima Aged About 30 Years R/o Village Kottaguda, P.S. Basaguda, District Bijapur, Chhattisgarh.
2. Kaka Chenti S/o Kaka Lacha Aged About 25 Years R/o Village Kottaguda, P.S. Basaguda, District Bijapur, Chhattisgarh.

----- Petitioners

Versus

- State of Chhattisgarh Through Officer In Charge, Police Station Basaguda, District Bilaspur, Chhattisgarh.

----- Respondent

For the applicant	:	Mr. Shishir Dixit, Advocate
For the Respondent	:	Mr. Sumeet Jhawar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15.02.2016

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 04/2012 registered at P.S. Basaguda, Distt. Bijapur (C.G) for the offence punishable under Sections 148, 307/149 of IPC, Section 27 of the Arms Act & Sections 3 & 5 of the Explosive Substances Act and Sections 38(2), 39(2) of the Unlawful Activities (Prevention) Act.
2. The prosecution case, in brief, is that on 28.06.2012, the applicants along-with other co-accused attacked the police party and during exchange of fire, the CRPF personnel were injured and few of the other co-accused fled away and the applicants were caught who were injured.
3. Learned counsel for the applicants submits that the

applicants were arrested on 23.07.2012 and thereafter the trial is not being progressed as the witnesses are not coming up, therefore, the applicants may be enlarged on bail.

4. Perused the statements of few of the witnesses which are enclosed with the bail application. The said statements reveal that there was an exchange of fire which took place between Naxalites and Police party. The incident happened in the forest wherein 18 naxalites were killed and 6 CRPF people were also injured.
5. Taking into background of this case and the degree of offence, I am not inclined to allow this application only on the ground of delay in progress of trial. Accordingly, it is rejected. However, the trial Court is requested to expedite the trial.

Sd/-
GOUTAM BHADURI
JUDGE