

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6492 of 2017**

1. Kumar Nag S/o Somaru Nag Aged About 28 Years
2. Arjun Nag S/o Boda Nag, Aged About 32 Years

Both are R/o Village Kandamar, Kadampara, Tahsil & Police Station Darbha, District Bastar, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Darbha, District Bastar, Chhattisgarh.

---- Respondent

For Applicants
For Respondent/State

Mr. Amarnath Pandey, Advocate
Mr. Sangharsh Pandey, Dy. GA

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****12/12/2017**

1. Heard.
2. This is an application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants, who have been arrested in connection with Crime No.50/2015, registered at Police Station Darbha, District Bastar (CG) for the offence punishable under Sections 147, 148, 149, 341, 307, 302, 431, 120-B of IPC, Sections 25 & 27 of the Arms Act, Sections 3, 4 of the Explosives Substance Act, Section 8(1), (2), (3) of the

Chhattisgarh Special Public Security Act, 2005 and Sections 38(2), 39 of the Unlawful Activities Prevention Act.

3. The applicant, who is a naxalite, along with other co-accused naxalites have formed unlawful assembly, committed rioting, obstructed the way and by using fire arms and explosives, they have committed murder of policeman Krishnapal Singh on 14.9.2015. In the incident, another police person Santosh Yadav has also suffered serious injuries.
4. It is argued by learned counsel for the applicants that one of the co-accused Santosh Yadav has already been released on bail under the order passed by the Supreme Court in SLP (Crl.) No.7532/2016, therefore, the present applicants are also entitled to be released on bail.
5. Considering the role played by the applicants and nature of evidence available against them, there case appears to be distinguishable from the case of Santosh Yadav.
6. The trial Court has observed that the evidence is going on and some key witnesses are yet to be examined, therefore, considering all relevant aspects of the matter, this Court is not inclined to release the applicants on regular bail.
7. Accordingly, the bail application is dismissed.

Sd/-

Judge

(Prashant Kumar Mishra)

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