

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 2212 of 2018**

1. Ayatu Podiyami & Ors. S/o Late Hadma Padiyami Aged About 34 Years R/o- Village- Kankipara, Badegudra, P.S.- Kuakonda, District- Dantewada, Chhattisgarh., District : Dantewada, Chhattisgarh
2. Hunga Kartam S/o Chula Kartam Aged About 26 Years Caste- Mudiya, R/o- Village- Kankipara, Badegudra, P.S.- Kuakonda, District- Dantewada, Chhattisgarh., District : Dantewada, Chhattisgarh
3. Raju Mandavi S/o Late Gango Mandavi Aged About 36 Years Caste- Mudiya, R/o- Village- Kankipara, Badegudra, P.S.- Kuakonda, District- Dantewada, Chhattisgarh., District : Dantewada, Chhattisgarh
4. Hunga Podiyami S/o Masa Podiyami Aged About 21 Years R/o- Village- Kankipara, Badegudra, P.S.- Kuakonda, District- Dantewada, Chhattisgarh., District : Dantewada, Chhattisgarh
5. Katti Podiyami S/o Late Hadma Podiyami Aged About 42 Years R/o- Village- Kankipara, Badegudra, P.S.- Kuakonda, District- Dantewada, Chhattisgarh., District : Dantewada, Chhattisgarh
6. Hunga Sodhi S/o Deva Sodhi Aged About 35 Years R/o- Village- Kankipara, Badegudra, P.S.- Kuakonda, District- Dantewada, Chhattisgarh., District : Dantewada, Chhattisgarh
7. Kosa Padiyami S/o Late Sahdev Podiyami Aged About 30 Years R/o- Village- Kankipara, Badegudra, P.S.- Kuakonda, District- Dantewada, Chhattisgarh., District : Dantewada, Chhattisgarh
8. Payko Madkam S/o Hando Madkam Aged About 22 Years R/o- Schoolpara, Duwalikarka, P.S.- Kuakonda, District- Dantewada, Chhattisgarh., District : Dantewada, Chhattisgarh

**---- Applicants**

**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station- Kuakonda, District- Dantewada, Chhattisgarh., District : Dantewada,

Chhattisgarh

---- Respondent

---

|                |   |                                     |
|----------------|---|-------------------------------------|
| For Applicants | : | Mrs. Indira Tripathi, Advocate.     |
| For Respondent | : | Mr. Anil S. Pandey, Govt. Advocate. |

---

**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order On Board**

**02/07/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicants for grant of regular bail to them as they are in custody in connection with Crime No.06/2016 registered at Police Station- Kuakonda, District – Dantewada (C.G.) for the offence punishable under Sections 147, 148, 149, 302, 427, 121(A) of IPC; Section 25, 27 of the Arms Act and Section 13(1)(a) & 15(10)(a), (1)(4)(b), 38(2), 39(2) of the Prevention of Unlawful Activities Act.
2. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. Applicants No. 1 to 7 are in jail since 12.4.2016 and applicant No.8 is in jail since 29.5.2016. No case is made out against them. The case is pending before the concerned Court and the trial is still not concluded. None of these applicants is the member of banned Maoist groups. No seizure of any incriminating articles have been made from their possession, to hold about their involvement in the crime in question. Hence, under these circumstances, it is prayed that applicants be granted regular bail.
3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that there are ample evidence

against all these applicants to show that they are members of the prohibited Maoist groups, hence, none of them is entitled for grant of regular bail.

4. Heard both the parties and perused the case diary.
5. On 30.3.2016 at about 1 p.m. and Maoist groups active in the area exploded a land mine, because of which a vehicle of CRPF was blown-up and 7 personnel of CRPF died on the spot and other persons received injuries. After lodging of FIR, during investigation some of these applicants have been apprehended & interrogated and they have admitted their involvement in the crime, in the course of investigation. Also, it has been found that it was an act of Maoist groups as a result of which seven members of CRPF have lost their lives.
6. Considered on the entire material present in the case diary, looking to the gravity and magnitude of the offence, I am not inclined to grant bail to any of these applicants.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge