

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1536 of 2018

1. Sonaru Vadde S/o Rajman Aged About 28 Years R/o Vodapenda Police Station And District Narayanpur Chhattisgarh
2. Sukku Mandavi S/o Dasru Aged About 35 Years R/o Tahkadond Police Station And District Narayanpur Chhattisgarh.
3. Mangu Mandavi S/o Vijaram Aged About 25 Years R/o Tahkadond Police Station And District Narayanpur Chhattisgarh.
4. Maru Hidto S/o Saybi Aged About 35 Years R/o Tahkadond Police Station And District Narayanpur Chhattisgarh.
5. Pandru Mandavi S/o Vatteram Aged About 21 Years R/o Tahkadond Police Station And District Narayanpur Chhattisgarh.
6. Lakhma Uike S/o Mura Aged About 35 Years R/o Kader Police Station And District Narayanpur Chhattisgarh.
7. Raju Nareti S/o Pandu Ram Aged About 25 Years R/o Kader Police Station And District Narayanpur Chhattisgarh.

---- Appellants

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Narayanpur District Narayanpur Chhattisgarh., District : Narayanpur, Chhattisgarh

---- Respondent

For Appellants	: Shri N.K.Chatterjee, Advocate
For Respondent/State	: Shri Wasim Miyan, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Rajani Dubey

Order On Board By Manindra Mohan Shrivastava, J.

12.12.2018

This appeal is directed against the impugned order dated 25.08.18 by which the learned trial court has rejected the application filed by the appellants for suspension of sentence and grant of bail.

Counsel for the appellants argued that the appellants have been falsely involved in the alleged commission of the offence under Sections 38(2) and 39(2) of the Unlawful Activities (Prevention) Act, 1967. Though the clinching material collected during investigation against the appellants is that they are the members supporting the terrorist organization. He would further submit that the appellants are in jail since 01.01.2018 and till date the trial has not been concluded therefore in these circumstances the appellants ought to have been granted bail and the order rejecting the bail application is illegal.

On the other hand State counsel submits that the appellants were found involved in the activity of terrorism as they too were found possessed of guns and other material which shows that they were in the process of arranging attack on the police and all these circumstances taken together make a prima facie case that the accused/appellants are part of the naxalite activity.

We find that the involvement of the appellants in the alleged commission of the offence is based on the appellants caught read handed by the search party of the police in the forest area and it is alleged that all the appellants were possessed of fire arms, polythenes and other articles which are used for laying undermine bombs.

Taking into consideration the nature and gravity of allegation and that all the appellants were found in possession of fire arms and other articles, we are not inclined to interfere with the order of the learned trial court rejecting the bail application. Accordingly, the appeal is rejected.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge