

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 169 of 2019

Kadti Dula S/o Late Shri Kadti Mutta Aged About 35 Years R/o Village - Bilguda,
Police Station Errabore, Tel-Konta, District - Sukuma Chhattisgarh., District :
Sukuma, Chhattisgarh

---- Appellant

Versus

State Of Chhattisgarh Through Police Station Of Bheji, Sukuma, District Sukuma
Chhattisgarh., District : Sukuma, Chhattisgarh

---- Respondent

For Appellant	:	Shri Rahul Tamaskar, Advocate
For State	:	Shri Shailendra Dubey, Addl. Advocate General

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

11/03/2019

Heard.

1. This appeal arises out of order dated 4.12.2018 passed by learned Special Judge (NIA Act), Jagdalpur by which appellant's application for grant of bail has been rejected.
2. Learned counsel for the appellant would argue that the appellant has been involved in the alleged commission of offence only on suspicion by preparing false and concocted memorandum of seizure of certain articles which are said to be used for preparation of bombs. He would next submit that the statements of prosecution witnesses have been taken after long time, only to falsely implicate the name of the appellant. He would also submit that in the present case though the appellant has been arrested on 3.9.2017, till date, trial has not been concluded, therefore, on this ground also, the appellant prayed for grant of bail, but the learned trial Court has rejected the application without proper appreciation of these grounds.
3. On the other hand, learned counsel for the State would argue that the

involvement of the present appellant is not only based on the eyewitnesses account of the appellant presence in the cross fire between the police and naxellite but also, on his memorandum, recovery of detonator, wires etc., which are used for preparation of bombs.

4. We find that the learned trial Court rejected the application for grant of bail taking into consideration the gravity of offence of naxellite team attacking the police party and also taking into consideration that the appellant has not only been seen by the witnesses but from his possession detonator and other articles used for preparation of bombs have been recovered. Therefore, in our opinion, the learned trial Court has not committed any illegality or irregularity so as to warrant interference by this Court with the order rejecting application for grant of bail. Therefore, there is no merit in the appeal and the same is accordingly dismissed.

We would, however, observe that the trial Court shall expeditiously conclude the proceedings.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge