

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 217 of 2019**

1. Sodi Raju S/o Lakhma Aged About 26 Years R/o Village Plampalli Post Pusbaka, P. S. Basaguda, District Beejapur Chhattisgarh
2. Madkam Pandu S/o Madkam Joga Aged About 24 Years R/o Village Plampalli Post Pusbaka, P. S. Basaguda, District Beejapur Chhattisgarh

---- Appellants**Versus**

- State Of Chhattisgarh Through The Police Station Basaguda, District Beejapur Chhattisgarh

---- Respondent

For Appellant	:	Shri Pravin Tulsyan, Advocate
For State	:	Shri Shailendra Dubey, Addl.A.G.

D.B.:- Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Rajani Dubey****Order On Board****09/04/2019**

This appeal is directed against order dated 05/01/2019 by which, the bail application of the appellants has been rejected by the Trial Court.

2. Learned counsel for the appellants would argue that involvement of the present appellants in the case is an afterthought and on suspicion. He would argue that initially, when the FIR was lodged, name of the appellants was not disclosed but the police, later on, without any material, arrested them and it is said that two witnesses i.e. Katti Bheema and Karma Lachha stated in their diary statement under Section 161 CrPC that the appellants are also involved in the attack on police party. Therefore, it is argued, their involvement is an afterthought and false.

3. On the other hand, learned State counsel would argue that *prima facie* case against the appellants is made out because their names are involved in the alleged

statement given by two prosecution witnesses and it being a matter that the naxalites are alleged to have opened firing on the police party, in case, the appellants are granted bail, they may flee away and it may impede the process of trial.

4. We have considered the submission of learned counsel for the parties.

5. We find that the appellants have been involved in the alleged commission of offence of naxalites opening fire on the police party. The involvement of the present two appellants is based on diary statements of Katti Bheema and Karma Lachha. The allegations are grave in nature. Moreover, at this stage, release of the appellants may also impede smooth progress of trial. Taking into consideration the gravity of allegations, the order passed by the learned Trial Court does not warrant any interference. The appeal is, therefore, dismissed. The appellants, however, would be at liberty to revive bail application at any other appropriate stage of trial.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge