

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No.322 of 2019**

- Naresh Telami S/o Bodu @ Buddu Aged About 31 Years R/o Village- Gumiyapal, Police Station- Kirandul, District- Dantewada, Chhattisgarh., District : Dantewada, Chhattisgarh

---- Appellant**Versus**

- State Of Chhattisgarh Through Police Station- Kirandul, District- Dantewada, Chhattisgarh., District : Dantewada, Chhattisgarh

---- Respondent

For Appellant	:	Shri Vikas Shrivastava, Advocate
For Respondent/State	:	Shri KK Singh, GA

D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board**Per Manindra Mohan Shrivastava, J.****12/04/2019**

1. This appeal is directed against the impugned order dated 29-12-2018 passed by the learned Special Judge, N.I.A. Act/Sah. Offences, Jagdalpur, District Bastar in Special Case No.98/2018, rejecting bail application of the appellant in connection with alleged involvement in commission of offence under Section 147, 148, 149, 307, 397, 302 & 120(b) of IPC, Section 3 & 5 of V. P. Adhinyam, Section 25 & 27 of the Arms Act, Section 8(1)(3)(5) of Chhattisgarh Vishesh Jan Suraksha Adhinyam and Section 13(1)(a)(b), 23(1), 38(2) & 39(2) of Unlawful Activity (Prevention) Act.

2. The appellant has been involved in this case on the allegation of encounter and cross firing against the police force, in which, seven police officers were injured. Learned trial Court considered the bail application of the

appellant and rejected the same, against which, the present appeal has been filed.

3. Learned counsel for the appellant would argue that the involvement of the appellant in the aforesaid case is false and fabricated and only based on his name appearing in the memorandum statements. It is argued that no identification has been done and as the witnesses have not specifically stated regarding name of the present appellant, he is entitled to grant of bail on appropriate conditions.

4. On the other hand, learned State counsel supports the impugned order of rejection of bail by submitting that the appellant is involved in the commission of grave offence as also he is involved in the naxalite activity of encounter and cross firing against the police force, due to which, seven police officers were injured. He would submit that many witnesses, who have seen the incident, are yet to be examined.

5. We have heard learned counsel for the parties.

6. Taking into consideration the allegation of grave in nature against the present appellant and there are witnesses, who have seen the incident, are yet to be examined and that in the event of grant of bail to the appellant, there is a possibility of fleeing away from justice as also hamper the progress of trial, we are not inclined to interfere with the impugned order of rejection of grant of bail.

7. Accordingly, this appeal is dismissed. However, after examination of so-called witnesses, who are said to have seen the incident, it would be open for the appellant to approach the trial Court again.

SD/-
(Manindra Mohan Shrivastava)
Judge

SD/-
(Vimla Singh Kapoor)
Judge