

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 280 of 2019

- Komram Arjun, S/o Late Pulaiya, Aged About 32 Years, R/o Arrabor Police Station Dhummagudem, District Bhadhradri, Kottagudem, Telangana

---- Appellant

Versus

- State of Chhattisgarh, Through The Police Station Maraiguda, District : Sukuma, Chhattisgarh

---- Respondent

For Appellant	:	Shri Pravin Kumar Tulsyan, Advocate
For Respondent/State	:	Shri K.K. Singh, G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board by Hon'ble Shri Justice Manindra Mohan Shrivastava

15.03.2019

1. This appeal is arises out of order dated 16.05.2018, by which the appellant's application for grant of bail has been rejected by the Special Judge (N.I.A.) Bastar, Jagdalpur, C.G.
2. Learned counsel for the appellant would argue that the rejection of bail application is not in accordance with law because the case of prosecution is based on the basis of seizure of wire, which are said to be used for preparation of bombs and for laying wires for explosive activities. He would argue that only on the basis of seizure of wire of particular nature, it cannot be said that the appellant was found to be possessed of explosive substance. He would submit that so far as the seizure of detonator is concerned, it is not from the possession of the present appellant, but from the possession of some other accused. It is also argued that allegation that huge quantity of wire was seized from the possession of the appellant, which is highly improbable, because it is not physically possible to carry that much of quantity of wire alleged to be seized. He further submits that, at this stage, the two prosecution witnesses of seizure have been examined, who have turned hostile. Therefore, at this stage, the appellant may be granted bail.
3. On the other hand, learned counsel for the State submits that upon receipt of information, police party went on search, caught number of motor cycles, an auto which were advancing together and from their respective possession

detonator, wire, etc. which are used for preparation and laying of bomb, were seized. He would argue that till date, IO has not been examined.

4. We have considered the submission of learned counsel for the parties and find that the allegations against the appellant are grave. It is said that, according to the prosecution case, number of persons were found carrying detonator wires. At this stage, IO has not been examined in this case, therefore, we are not inclined to interfere with the order of rejection of bail by the learned Trial Court.
5. Accordingly, this appeal is dismissed.
6. In view of the submission that the trial has not been concluded till date, the trial Court is directed to expeditiously conclude the trial and if the trial is not concluded within reasonable time, it will be open to the appellant to revive the bail application before the trial Court.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge