

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 480 of 2019

1. Bhima Netam S/o Late Bhuma Netam Aged About 24 Years R/o Village Madkamiras Chhotapara P. S. Kirandul District South Bastar Dantewada Chhattisgarh.
2. Baman Karma S/o Chhannu Karma Aged About 26 Years R/o Village Perpa Sarpanchpara, P. S. Kirandul District South Bastar Dantewada Chhattisgarh.
3. Kunjmai Baman S/o Kunjami Joga Aged About 25 Years R/o Village Perpa, P. S. Kirandul District South Bastar Dantewada Chhattisgarh.
4. Kosa Kunjami S/o Hunga Kunjami Aged About 40 Years R/o Village Pinar, Dergapara, P. S. Kirandul District South Bastar Dantewada Chhattisgarh.
5. Deva Kunjam S/o Bhima Kunjam Aged About 25 Years R/o Village Pinar Dergapara, P. S. Kirandul District South Bastar Dantewada Chhattisgarh.

---- Appellants

Versus

- State Of Chhattisgarh Through The Police Station Kirandul District South Bastar Dantewada Chhattisgarh.

--- Respondent

For Appellants : Mr. P.K. Tulsyan , Advocate

For Respondent/State : Mr. K.K. 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 07.02.2019 passed by the learned Special Judge, N.I.A. Act/Sah. Offences, Jagdalpur, District Bastar in Special Case No. 95/2018, rejecting bail application of the appellants in connection with alleged involvement in commission of offence under Section 147, 148, 149, 307, 120(b) of IPC, under Section 3 of the Explosive Substance Act, under Section 25 & 27 of Arms Act, 8(1)(3)(5) of Chhattisgarh Vishesh Jan Suraksha

Adhiniyam and Section 13(1)(a)(b), 23(1), 38(2) & 39(2) of Unlawful Activity (Prevention) Act.

2. The appellants have been involved in this case on the allegation of encounter and cross firing against the police force. Learned trial Court considered the bail application of the appellants and rejected the same, against which, the present appeal has been filed.
3. Learned counsel for the appellants would argue that the involvement of the appellants in the aforesaid case is false and fabricated and only based on their 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 appellants, they are 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 appellants are involved in the commission of grave offence as also they are involved in the naxalite activity of encounter and cross firing against the police force. 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 appellants 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 appellants, 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 appellants to approach the trial Court again.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge

Pawan/ajay