

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3203 of 2019**

1. Dirado Erra, S/o. Late Bhima, Aged About 35 Years,
 2. Muchaki Deva, S/o. Late Pandu, Aged About 40 Years,
 3. Madavi Kosa @ Madkami Kosa, S/o. Joga, Aged About 40 Years
- All are R/o. Village Mutheli, P.S. Kukanar, District- Sukma, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through : The Police Station- Chhindgarh, District- Sukma, Chhattisgarh.

---- Respondent**&****M.CR.C. No. 3392 of 2019**

1. Masa Sodhi, S/o. Late Mukka Sodhi, Aged About 26 Years
 2. Bhima Kawasi, S/o. Hirma Kawasi, Aged About 32 Years,
 3. Hadma Kawasi, S/o. Deva Kawasi, Aged About 30 Years
 4. Situ Markam, S/o. Late Vaga Markam, Aged About 32 Years,
 5. Bhima Vetti, S/o. Late Kosa Vetti, Aged About 25 Years
 6. Sodi Hunga @ Umesh, S/o. Bhima Ram Sodi, Aged About 22 Years,
 7. Hidma Mandavi, S/o. Joga, Aged About 32 Years
 8. Rama Dhurva, S/o. Laxman, Aged About 29 Years,
 9. Bukeli Dhurva, S/o. Ganga, Aged About 38 Years
- All are R/o. Village Pondum, Police Station -Chhindgarh, District Sukma Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through : The Police Station- Chhindgarh, District- Sukma, Chhattisgarh.

---- Respondent

For Applicants	: Mr. P.K. Tulsyan, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/07/2019**

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and

the incident.

2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.09/2017, registered at Police Station –Chhindgarh, District – Sukma (C.G.) for the offence punishable under Section 148, 364/149 (Three times), 302/149 of the Indian Penal Code and Section 25 (1-b) (a) of Arms Act.
3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants. The trial against the applicants has made sufficient progress in which all the important witnesses have been examined. For the reason that one co-accused has been recently arrested, therefore, trial has started again. The applicants are in continued detention since the date of their arrest, which is more than one year. The other circumstance that is in favour of the applicants is this that all the witnesses of the incident including the eye-witness have not supported the prosecution case and all of them are declared hostile, therefore, it is prayed that the applicants be granted regular bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that trial against the applicants is still not completed and the Investigation Officers are yet to be examined, therefore, both the applications be rejected.
5. I have heard the learned counsel for both the parties and perused the case diary.

6. According to the prosecution case on 28.10.2017, the members of Nuxalite groups abducted Kosa Mandavi and murdered him in Jungle . The allegation against these applicants is this that they were present with the Nuxalite group to assist them.
7. Considered on the submissions made and the contents of the case diary. On perusal of the certified copy of the depositions of the witnesses filed along with the applications that eye-witness and other relevant witnesses, who are suppose to support the prosecution have been declared hostile by the prosecutor. Looking to this development in the trial against these applicants, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, both the bail applications filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge