

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3477 of 2019**

1. Kawasi Bhima, S/o. Sukda, Aged About 27 Years, R/o. Village Jongeras, Police Station Kukanar, District Sukma Chhattisgarh.
2. Kawasi Hunga, S/o. Bhondu, Aged About 22 Years, R/o. Village Jongeras, Police Station Kukanar, District Sukma Chhattisgarh.
3. Barse Muya, S/o. Kosa, Aged About 27 Years, R/o. Village Pusugunna, Police Station Kukanar, District Sukma Chhattisgarh.
4. Muchaki Kurmi, S/o. Bhima, Aged About 35 Years, R/o. Village Pusugunna, Police Station Kukanar, District Sukma Chhattisgarh.
5. Madkami Hadma, S/o. Masa, Aged About 22 Years, R/o. Village Pusugunna, Police Station Kukanar, District Sukma Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through : Police Station Kukanar, District Sukma Chhattisgarh.

---- Respondent

For Applicants	: Mr. Shrawan Agrawal
For Respondent/State	: Mr. Ghanshyam Patel, G.A..

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****05/07/2019**

1. This is the first bail application 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.27/2017, registered at Police Station –Kukanar, District – Sukma (C.G.) for the offence punishable under Section 120-B of Indian Penal Code and Section 4 of Explosive Substance Act.
2. 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 recovery of explosive substance was made from a place, on that basis the applicant No.1 was interrogated and false recovery has been shown to be made from his possession. There is no legally admissible evidence against rest of the applicants. The witnesses examined so far have not supported the prosecution case. Therefore, it is prayed that the applicants be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is clear evidence of recovery of explosive substance from the applicant No.1 and he has named the rest of the applicants as having participated in the commission of offence, therefore, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, on the date of incident, the police party made a recovery of explosive substance, from the spot on the basis of which, FIR was lodged against unknown members of nuxalite groups. During the investigation, the applicant No.1 was interrogated and at his instance one Tiffin Bomb has been recovered and seized and the name of other applicants has appeared in his memorandum statement.
6. After considering on the entire material present in the case diary and also perusing the copy of the depositions filed along with the application, it appears that as there is direct evidence in investigation against the applicant No.1, which is being considered by the trial Court, therefore, I do not feel inclined to allow the bail application with

respect to the applicant No.1. However, looking to the evidence, which is proposed against rest of the applicants, this Court is inclined to release the applicant No.2 to 5 on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. in respect of the applicant No.1 is dismissed and in respect of the applicants No.2 to 5 is allowed.
8. It is directed that applicants No.2 to 5 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