

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 5335 of 2019

1. Sodhi Soma S/o Masa Aged About 24 Years R/o Village Doleras, Police Station Kukanar, District Sukma Chhattisgarh
2. Kartami Deva S/o Rama Aged About 35 Years R/o Mundum Patelpara, Police Station Kukanar, District Sukma Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Chhindgarh, District Sukma Chhattisgarh

---- Respondent

M.Cr.C. No. 5447 of 2019

1. Kunjami Hurra S/o Late Dole Aged About 26 Years, Caste- Gond
2. Kunjami Ayata S/o Somdu Aged About 22 Years, Caste- Gond
3. Madavi Hidma S/o Late Madavi Joga Aged About 30 Years Caste Gond
4. Kunjami Kosa S/o Joga Aged About 21 Years Caste Gond
5. Kunjami Boti S/o Kunjami Deva Aged About 23 Years Caste Gond
6. Kunjami Bhima S/o Hurra Aged About 22 Years Caste Gond
7. Kunjami Deva S/o Vare Aged About 28 Years Caste Gond

(All are r/o Village Pandupra, Kundanpal, P.S. Kukanar, District- Sukma, Chhattisgarh)

8. Budhari Markam D/o Hidma Aged About 21 Years Caste Gond, R/o Masiras Pondum, P.S. Kukanar, District- Sukma, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Chindgarh, District- Sukma, Chhattisgarh

---- Respondent

For Applicants	: Mr. P. Chetan Kumar on behalf of Mr. Shrawan Agrawal and Mr. Vijay Kumar Sahu on behalf of Mr. Praveen Dhurandhar, Advocates.
For Non-applicant/State	: Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

27-09-2019

Heard.

1. As both these applications arise out of the same crime numbers i.e. Crime No.09/2017 registered at P.S. Chhindgarh, District- Sukma (C.G.), who have been arrested for the offence Under Sections 148, 364/149 (three times), 302/149 of I.P.C. and Section 25(1-b), (a) of the Arms Act and they are being decided by this common order.
2. It is submitted by learned counsel for applicants that the applicants have been falsely implicated in this case and they have not committed any offence. The material witnesses have been examined and tried. None of them have either identified the applicants or supported the prosecution case. On similar ground, co-accused persons have been granted bail by this Court in M.Cr.C. No.3203/2019 and 3392/2019 vide order dated 16.07.2019. Therefore, it is prayed that the applications may be allowed.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, on 28.10.2019, some members of naxalite group abducted Kosa Mandavi and took him to the jungle where he was murdered. There is allegation in the prosecution case that these applicants were present at the time of commission of this offence in assistance to the naxalites.
6. Copy of deposition of the witnesses examined have been filed which

shows that none of the witnesses have supported the prosecution case and on similar ground the co-accused persons were earlier granted bail. Therefore, I feel inclined to allow both the present applications.

7. Consequently, these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for their appearance as and when directed.

8. Certified copy as per rules.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge