

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1868 of 2018**

1. Madkam Hidma S/o Shri Madkam Hunga Aged About 27 Years R/o Village Durma, P.S. Golpalli, Tehsil Konta, District- Sukuma, Chhattisgarh
2. Madvi Hidma S/o Shri Madvi Kosa Aged About 25 Years R/o Village Durma, P.S. Golpalli, Tehsil Konta, District- Sukuma, Chhattisgarh

---- Appellants**Versus**

- State Of Chhattisgarh Through Police Station Of Golapalli, Sukuma, District- Sukuma, Chhattisgarh

---- Respondent

For Appellant	:	Shri Rahul Tamaskar, Advocate
For State	:	Shri K.K.Singh, G.A.

D.B.- Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Rajani Dubey****Order On Board****14/03/2019**

Heard.

This appeal is directed against impugned order dated 22.09.2018 by which the appellants' application for grant of bail under Section 439 Cr.P.C. has been rejected.

2. Learned counsel for the appellant would argue that the involvement of the appellants in the alleged commission of offence is only a false implication. He would submit that the alleged recovery of accessories used for preparation of explosives and bullets, gun powder etc. from the appellants are all false implication. The prosecution has examined as many as six witnesses by now but none of them have supported the case of the prosecution insofar as present appellants are concerned. He would argue that the allegation that large number of naxalites had gathered and opened fire on police parties and injuries have also been taken place,

is made a basis to involve large number of local residents.

3. On the other hand, learned State counsel supports the order of rejection by submitting that involvement of the appellants is based on recovery of detonator, wire, gun powder, bullets and atleast four prosecution witnesses, whose diary statements have already been recorded under Section 161 Cr.P.C. namely Sariyad Kama, Sunnam Bajari, Sunnam Ramu and Tati Nanda have stated regarding the appellants being members of the assailant group involved in the alleged criminal act in which the number of persons including members of police team were injured.

4. The nature of allegation against appellants are grave and serious. Their *prima facie* involvement is based on they having been named in the case diary statement of atleast four persons. Moreover, there are allegations of recovery of detonator, wire, gun powder and bullets. Therefore, in our view, the order of rejection of application for grant of bail does not warrant any interference. The appeal is, therefore, dismissed.

At the end, there is a prayer that the Trial Court may be directed to expedite the trial as the appellants are in jail for more than two years.

It is observed that the Trial Court shall conclude the trial as expeditiously as possible.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge