

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No.1862 of 2018**

- Madkam Dulla S/o Madkam Hunga Aged About 25 Years R/o Rampuram Police Station Golapalli District Sukma Chhattisgarh., District : Sukuma, Chhattisgarh

---- Petitioner**Versus**

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

---- Respondent

For Appellant : Shri P. K. Tulsyan, Advocate
 For Respondent/State : Shri Subhash Yadav, GA

D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Rajani Dubey
Order on Board

Per Manindra Mohan Shrivastava, J.

14-01-2019

This appeal is directed against the impugned order dated 27-11-2018 passed by the Special Judge, N.I.A. Act, Jagdalpur in Special Case No.77/2018, whereby and whereunder the appellant's application for grant of bail has been rejected.

2. Learned counsel for the appellant argued that the appellant has been involved in the alleged commission of offence on suspicion and there is no clinching evidence collected by the prosecution against the appellant. He would submit that the evidence of extra judicial confession said to be given before the Villagers is an afterthought story of the prosecution and recovery of bow and arrow from an open place does not connect the appellant with the alleged commission of offence.

3. On the other hand, learned State counsel submits that two prosecution

witnesses have clearly stated regarding the present appellant along with the naxalites having openly declared and thereby confessed that they had kidnapped the construction contractor T. Bal Nageshwar Rao and murdered.

4. We have considered the submission of learned counsel for the parties.

5. The learned Court below has rejected the bail application of the appellant taking into consideration that the present is a case of grievous nature, where one of the Partner of the Contractor i.e. T. Bal Nageshwar Rao, who was engaged in constructing road in naxalite areas, was murdered. Involvement of the present appellant is mainly based on the extra judicial confession made openly before the villagers and statement of those two villagers have already been recorded under Section 161 of Cr.P.C. and form part of the charge sheet filed before the Court below.

6. Taking into consideration the gravity of offence and the material available against the appellant, we find no reason to interfere with the impugned order of rejection of bail application by the Court below, particularly when, at this stage it cannot be said to be a case of delay in conclusion of trial.

7. Learned counsel for the appellant submits that the appellant is in need of medical care.

8. We find that the learned Court below, while rejecting the bail application of the appellant, has directed that the appellant shall be provided proper medical treatment.

9. In the result, the appeal is dismissed.

SD/-
(Manindra Mohan Shrivastava)
Judge

SD/-
(Rajani Dubey)
Judge