

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1913 of 2018

1. Muchaki Kosa S/o Shri Muchaki Baddi Aged About 25 Years R/o Village Pilamadgu, P. S. Bheji, Tel Konta District Sukuma, Chhattisgarh., District : Sukuma, Chhattisgarh
2. Muchaki Lakhama S/o Muchaki Hadma Aged About 22 Years R/o Village Pilamadgu, P. S. Bheji, Tel Konta District Sukuma, Chhattisgarh., District : Sukuma, Chhattisgarh
3. Madvi Lakhma S/o Madvi Guddi Aged About 25 Years R/o Village Pilamadgu, P. S. Bheji, Tel Konta District Sukuma, Chhattisgarh., District : Sukuma, Chhattisgarh
4. Punem Hurra S/o Punem Joga Aged About 25 Years R/o Village Dokpad, P. S. Bheji, Tel Konta District Sukuma, Chhattisgarh., District : Sukuma, Chhattisgarh
5. Punem Gurva S/o Lt. Mutta Aged About 22 Years R/o Village Sendurguda, P. S. Bheji, Tel Konta District Sukuma, Chhattisgarh., District : Sukuma, Chhattisgarh
6. Kunjam Hurra S/o Veera Aged About 22 Years R/o Village Sendurguda, P. S. Bheji, Tel Konta District Sukuma, Chhattisgarh., District : Sukuma, Chhattisgarh
7. Hungi Hemra S/o Hemra Bhima Aged About 32 Years R/o Village Kosenpad, P. S. Bheji, Tel Konta District Sukuma, Chhattisgarh., District : Sukuma, Chhattisgarh
8. Ku. Rava Kosi S/o Lt. Kosa, Aged About 32 Years R/o Village Nimlguda, P. S. Bheji, Tel Konta District Sukuma, Chhattisgarh., District : Sukuma, Chhattisgarh

---- Appellants

Versus

State Of Chhattisgarh Through Police Station Of Bheji, Sukuma, District Sukuma, Chhattisgarh.

--- Respondent

For Appellant	:	Mr. Rahul Tamaskar, Advocate
For Respondent	:	Mr. K.K. Singh, G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

16/04/2019

Heard.

1. This appeal is directed against impugned order dated 08.10.2018, by which, the learned trial Court has rejected the bail applications of the appellants.
2. The appellants have been arrested on the allegation that on 18.02.2018, when the team of police officers and opening party reached near Madgu Nala and construction work was going on, about 400 to 500 naxalaties who were armed, arrived and opened firing on the police party and in that attack made on police party, two police personnel died and six were injured.
3. Learned counsel for the appellants argued that though there are allegations of

large number of naxalites having attacked the police party and killed two police personnel and injured six of them, the appellants have been arrested only on the basis of suspicion without there being any concrete evidence collected against them in investigation. He would argue that though against appellant No.1, there is allegation of seizure of detonator wire etc., the proceedings are false and fabricated. It is further submitted that against other appellants, there is no clinching evidence and they have been involved in the alleged commission of offence only because they have been named in the memorandum statement of co-accused. It is argued that the police has not even carried out any investigation parade which makes the prosecution case extremely doubtful. It is next submitted that there is no progress in the trial and the appellants are languishing in jail since long, therefore, at this stage, they may be granted bail imposing appropriate condition for their appearance during trial.

4. On the other hand, learned State counsel supporting the order rejecting bail applications of the appellants argued that present is a case of grave offence where large number of naxalites came armed with weapon and explosive and attacked police party by opening fire, in which, two police personnel were killed and six were injured. He would argue that the incident has been witnessed by number of witnesses. He would further argue that if at this stage, the appellants are released on bail, they are not only likely to flee away from justice but also misuse liberty, it will also hamper smooth progress of trial.

5. We have heard learned counsel for the parties and perused the case diary and the charge-sheet as also the impugned order.

6. The appellants have been involved in the alleged commission of offence on the basis that naxalites attacked police personnel on the road and killed them. Number of police personnel were found injured also. There are eyewitnesses of the incident and the appellants have been named also in the memorandum statement of co-accused. Therefore, considering the aforesaid material and further taking into consideration that in the event of grant of bail, the appellants are likely to flee away from justice, misuse liberty and further that smooth progress of trial may also be hampered, we are not inclined to interfere with the order of learned Trial Court rejected bail applications.

7. According, the appeal is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge