

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1902 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
2. Muchaki Lakhma, S/o Muchaki Hadma, Aged About 22 Years R/o Village Pilamadgu, P.S. Bheji, Tel- Konta, 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
4. Punem Hurra, S/o Punem Joga, Aged About 25 Years R/o Village Dokpad, P.S. Bheji, Tel- Konta District Sukuma Chhattisgarh
5. Punem Gurva, S/o Lt. Mutta, Aged About 22 Years S/o Lt. Mutta,
6. Kunjam Hurra S/o Veera, Aged About 22 Years R/o Village Sendurguda, P.S. Bheji, Tel- Konta District Sukma Chhattisgarh
7. Hungi Hemla, S/o Hemla Bhima, Aged About 32 Years R/o Village Kosenpad, P.S. Bheji, Tel- Konta 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

---- Appellants**Versus**

- State Of Chhattisgarh Through Police Station Of Bheji, Sukuma, District Sukuma Chhattisgarh, District : Sukuma, Chhattisgarh

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For Appellants	:	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 08.10.2018 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 appellants are innocent residents and they all have been involved only on suspicion without there being any clinching evidence to make out a *prima facie* case. He would argue that at the time when FIR was lodged by one of the Supervisors engaged in the work of Contract, none of the appellants were named, but it is only later on during investigation that driver of the vehicle in his statement under Section 161 CrPC has come out with their names which shows a false implication on afterthought basis. It is next submitted that as far as recovery of detonator and other articles used for preparation of bombs and explosives from appellant No.1-Muchaki Kosa is concerned, recovery is false and fabricated only to involve.

3. On the other hand, learned State counsel supports the order of rejection by submitting that present is a case of grave nature where team of naxalites have approached the person involved in construction activity, one of them was murdered and the vehicles were set on fire. He would argue that the FIR was initially lodged by one of the Supervisors who is the outsider and later on, during investigation, driver of the vehicle who is a local person, has named all the appellants as part of the assailant group involved in killing and burning.

4. The nature of allegations against the appellants are grave and serious. True it is that initially in the FIR, their names were not mentioned but the diary statement of the driver of the vehicle which was set on fire, has involved all these appellants in the alleged commission of offence of murder and setting on fire, vehicles and equipments used for construction activities. Therefore, in our opinion, the order of rejecting application for grant of bail does not warrant any interference. The appeal is, therefore, dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge