

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.1354 of 2020**

1. Aaytu Sodi S/o Late Pandu Sodi, Aged About 30 Years R/o Village Toyelanka Patelpara, P. S. Katekalyan, District Dantewada Chhattisgarh
2. Pandu Sodi S/o Hidma Sodi, R/o Village Toyelanka Patelpara, P. S. Katekalyan, District Dantewada Chhattisgarh

---- Petitioners**Versus**

- State Of Chhattisgarh Through P. S. Katekalyan, District Dantewada Chhattisgarh, District : Dantewada, Chhattisgarh

---- Respondent

For Applicant	:	Shri Vikash Shrivastava, Advocate
For Respondent/State	:	Shri Alok Bakshi, Additional AG

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****11/08/2020**

Heard.

1. The applicants have moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.34/2017 registered at Police Station Katekalyan, District Dantewada for the offence punishable under Section 307, 147, 148 & 149 of IPC and Section 3 & 5 of Explosive Substances Act.
2. Prosecution case is that when the police party had come out for searching, there was encounter with the naxalites and naxalite team exploded bomb, in which, one person was injured. Two years after the incident, the applicants were arrested and it is said that from the possession of each of the applicants, explosive substances were recovered, which is said to have been used in the alleged commission of offence.
3. Learned counsel for the applicant submits that alleged recovery of explosive from the possession of the applicants, after two years of the incident,

could not be related with the incident, which had taken place long back. He would submit that except that, there is no other material available with the prosecution to connect the applicants with the alleged commission of offence. He would further submit that in the instant case, one accused, who was arrested earlier, has been released after trial. It is submitted that till date, the trial has not been concluded and the applicants are in jail since 24-07-2019 and looking to the fact that no death has taken place, the applicants may be granted bail with appropriate conditions.

4. On the other hand, learned counsel for the State/non-applicant opposes the bail application by submitting that recovery of detonator from the possession of the applicants, prima facie shows the applicants involvement in the naxalite activities and in their memorandum also, they have stated that in the incident of explosion, wherein one person was injured, they had also participated.

5. In the present case, involvement of the applicants is based on alleged recovery of detonator from the possession of the applicants, two years after the incident. In this incident, no death has taken place and only one person has been found to be injured. Further, at present, trial is not taking place.

6. Taking into consideration the overall circumstances of this case, the application is allowed. It is ordered that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties of the like amount to the satisfaction of the trial Court on the condition that they shall appear before the trial Court regularly on each and every date of hearing, unless exempted.

7. It is made clear that the applicants shall not misuse liberty and if it is found that they have misused the liberty, bail granted shall liable to be canceled.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
J U D G E

