

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Appeal No. 621 of 2020

Nirmal Kumar Jhadi S/o. Suraiyya Jhadi, Aged about 58 years, R/o. MIG-II/9 Housing Board Colony Dharampura, Jagdalpur District Bastar Chhattisgarh

---- Appellant

Versus

State of Chhattisgarh Through Station House Officer, Police Station
Nagarnar, Tehsil Bakawand, District Bastar Chhattisgarh

---- Respondent

along with

Criminal Appeal No. 867 of 2020

Ramuram Nag S/o. Mahadev Nag, aged about 27 years, R/o.
Village Korpai, P.S. Parpa District Bastar (CG)

---- **Appellant**

Versus

State of Chhattisgarh Through P.S. Parpa District Bastar
Chhattisgarh

----Respondent

For the Appellants	:-	Mr. Arun Shukla, Advocate Mr. Vikash A Shrivastava, Advocate
For the Respondent	:-	Ms. Hamida Siddique, Dy. AG

Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Vimla Singh Kapoor,

Judgement on Board By
Manindra Mohan Shrivastava, J.

07.12.2020

1. These appeals arise out of orders passed by the Special Judge, by which appellant's application for grant of bail has been rejected.
2. Learned counsel for the appellant would argue that the appellant has been involved in the alleged commission of offence on the basis that some of the co-accused in their memorandum statement stated regarding appellant is recipient of regular supply of explosive substance. He would submit that however many witnesses have not supported the case of the prosecution and have turned hostile. They would further submit that in these circumstance the prosecution case, prima-facie does not show any quantity explosive seized from the physical possession of the applicant or that in any particular case the applicant supplied explosive or involved any naxalite activity, at this stage the appellant may be granted bail.
3. As far as appellant Ramuram Nag is concerned, learned counsel for the appellant would argue that his involvement in the alleged commission of offence is based only on suspicion. He has not been named in the memorandum of other co-accused as he has involved in the alleged commission of offence.
4. On the other hand learned State counsel, opposes the prayer and submits that the appellant Nirmal has not disclosed the fact that his earlier appeal which was filed rejected by the coordinate bench of this counsel on 10.12.2019, while hearing the appeal against the rejection of bail order of the present appellant and another co-accused namely Jadupati Harijan. Learned counsel for

the State would submit that there are serious allegation of regular supply of explosive involving the present appellants in the crime in question and mostly supplied for naxalite activities. He submitted that thought the trial has not been concluded, it is on the verge of conclusion and the learned court below has rejected the application on the ground that the IO of the case has not been examined.

5. As far as appellant Ramuram Nag is concerned, learned State counsel would submit that clear allegation of the explosive material on the memorandum of the present appellant from the house of Phekuram and IO is yet to be examined.
6. We find that the appellant Nirmal has filed appeal without disclosing the fact that his earlier application for bail was rejected by this Court on 10.12.2019 and on 22.01.2020. It appears that bail application have been filed mainly on the ground that some of the witnesses of memorandum have not supported the case of the prosecution. The trial Court has rejected the bail applications at this stage considering that some other important witnesses are yet to be examined and the allegation are grave in nature and that the web of supply of explosive and possible use of the same by naxalite activity and gravity of the allegation in the present case. Considering the aforesaid material, we are not inclined to grant the bail to the appellants. Appeals are therefore, dismissed.

Sd/-

Manindra Mohan Shrivastava
Judge

Sd/-

Vimla Singh Kapoor
Judge