

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4829 of 2019**

- Eruva Shiva Reddy @ Kiran, S/o Jomas Reddy aged about 41 years, R/o Narlapur, Police Station – Thadwai, District – Warangal (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Police Station- Konta, Civil, District- Dantewada, Revenue District- Sukma (C.G.)

---- Respondent

For Applicant : Shri Kishore Narayan, Advocate.
For Respondent : Shri Dinesh Tiwari, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****15/06/2020**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 20.06.2017 in connection with Crime No.11/2015 registered at Police Station- Konta, Civil, District- Dantewada, Revenue District- Sukma (C.G.) for the offence punishable under Sections 147, 148, 149, 364, 365, 302 & 201 of IPC.
2. As per the prosecution case, complainant lodge a report alleging that on 01.05.2015 at about 11-12.00 PM, 15-16 Naxalites came to her house and told her husband to go with them. The naxalites abducted her brother-in-law also. On 03.05.2015, at about 11.12 PM, some naxalites informed the complainant that

they had killed her husband and brother-in-law and their dead bodies have been thrown in the forest. Thereafter, offence has been registered against the present applicant.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that one prosecution witness has turned hostile. He also submits that the applicant is in jail since 20.06.2017, and, therefore, he may be released on bail.
4. On the other hand, State counsel opposes the bail application and submits that the crime committed by the applicant is of serious in nature and, therefore, he may not be granted bail.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, in particular the crime in nature, at this stage, I am not inclined to release him on bail.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-
(Rajani Dubey)
Judge