

HIGH COURT OF CHHATTISGARH, BILASPURCriminal Appeal No.87 of 2021

1. Linge Tati alias Kumari Linge Tati, D/o Late Shri Joga Tati, aged about 25 years, R/o Mudrapara, Tikanpal, PS Kirundal, District Dantewada, Chhattisgarh
2. Ramesh Kumar Kashyap alias Ramesh Hemla, S/o Aapu Ram Kashyap, aged about 35 years, R/o Kakaari PS Aranpur, District Kantewada, Chhattisgarh

---- Appellants
(In Jail)

Versus

State (Through National Investigation Agency), Jagdalpur, District Bastar (CG)

---- Respondent

For Appellants:	Mrs Madhu Nisha Singh, Advocate
For Respondent:	None present

Hon'ble Shri Justice Sanjay K. Agrawal and
Hon'ble Shri Justice Arvind Singh Chandel

Order on Board
(15.11.2021)

Sanjay K. Agrawal, J

1. This criminal appeal is directed against the order dated 25.11.2020 passed by learned Special Judge (NIA Act), Bastar at Jagdalpur, by which the appellants application for grant of bail under Section 439 of the CrPC has been rejected by the Special Judge for offences under Sections 147, 148, 149, 302, 396, 307, 121A and 120B of the IPC, Sections 25(1A) and 27(3) of the Arms Act, Sections 3 and 5 of the Explosive Substance Act and Sections 13, 16, 17, 18(A), 19, 20, 23, 38, 39 and 40 of the Unlawful Activities (Prevention) Act.
2. The prosecution case is that in an incident of bomb explosion on 9.4.2019, four police personnel and Bhima Mandavi, a member of Legislative Assembly died. The NIA carried out investigation and filed charge sheet before the Special Court, involving as many as 35

accused including the present appellants also. The allegation against the present appellants is that the appellants were also involved in the alleged conspiracy along with co-accused under which they were assigned the role of collecting electric wire for being used for laying explosives. It is alleged that with the use of the wire procured by the present appellants underground explosive exploded resulting in death of MLA Bhima Mandavi, five police personnel and many injured.

3. Mrs.Madhu Nisha Singh, learned counsel for the appellants, would submit that applicant No.1 is woman, aged about 25 years and she is in custody since 28.7.2020 and there is no evidence against the present appellants except memorandum statements of Markam Tati and Laxman Jayaswal and on that basis, the appellants have been prosecuted and except that, there is no evidence on record against the present appellants.
4. None present for the respondent.
5. We have heard learned counsel appearing for the appellants, considered her submission and also went through the records with utmost circumspection.
6. It is stated at the Bar that co-accused Laxman Jayasawal @ Laxman Sao's bail application was rejected by the Special Judge, against which, he preferred Criminal Appeal No.887/2020 before this Court, which has also been rejected by a Division Bench of this Court. While rejecting the bail application of co-accused Laxman Jayasawal @ Laxman Sao, the Division Bench of this Court held as under:-

“11. The trial Court has rejected the application holding that the available material in the case diary makes out the prima-facie case regarding involvement of the present

appellant, therefore, the appeal has to be and is accordingly rejected.”

7. Considering the submission made by learned counsel appearing for the appellants, further taking into consideration the finding recorded by the trial Court and further taking into consideration the fact that case of the present appellants is identical to that of co-accused Laxman Jayasawal @ Laxman Sao, whose appeal has been rejected by a Division Bench of this Court in Criminal Appeal No.887 of 2020 & other attending circumstances, we do not find any ground to set-aside the order rejecting bail application.
8. Accordingly, the criminal appeal deserves to be and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

Sd/-

(Arvind Singh Chandel)
Judge

B/-