

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 187 of 2021**

- Muchaki Mangu S/o Aaytu Aged About 30 Years R/o Village Dabba Patel Para P.S. Kukanar District Sukma (Chhattisgarh)

---- Appellant**Versus**

- State Of Chhattisgarh Through P.S. Katekalyan District Dantewada (Chhattisgarh)

---- Respondent

For Appellant	:	Shri Vikas A. Shrivastava, Advocate
For State	:	Shri Lalit Jangde, Dy.G.A.

D.B.:- Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board**03/03/2021**

This appeal is directed against order dated 10/12/2020 by which, appellant's application for grant of bail has been rejected by the Special Court.

2. Learned counsel for the appellant would submit that on the face of the allegations against the appellant, his involvement is extremely doubtful because he is not said to be present on the spot in the team of naxalites opening fire on the police parties but much after the incident, false recovery on memorandum has been prepared against the appellant. It is submitted that the appellant is in jail since more than 2½ years and trial has not been concluded. Therefore, at this stage, he ought to be granted bail only on the ground of delay.

3. On the other hand, learned State counsel opposes bail and submits that the allegation of commission of offence against the applicant are not only under IPC but also under Unlawful Activity (Prevention) Act, 1967 (for short 'UAP Act') and the allegations are of naxalites opening fire on the police parties with intention to cause death in which, one Constable was also injured. He would submit that on the basis of memorandum of the appellant recorded by the police officers in presence of two witnesses, detonator, gelatin stick and iron pipe were recovered.

4. Taking into consideration the gravity of alleged offence and prosecution case of recovery of detonator, gelatin stick etc. from the possession of the appellant from his house in presence of two witnesses, learned Court below has rejected bail application. On the face of the material collected during investigation and contents in the charge sheet, at this stage, we are of the opinion that there are reasonable grounds for believing that the accusation against the accused is *prima facie* true. Bail, therefore, could not be granted because of the special provisions contained in Section 43(d) of UAP Act. The appeal has therefore no merit and is, therefore, dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge