

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 7020 of 2020**

1. Mahadev Sodhi S/o Budhram Sodhi, aged 28 years, Caste – Madiya, R/o Patel Para, Police Station – Kuakonda, District – Dantewada (C.G.)
2. Baman Madkam S/o Bandi Markam, aged about 22 years, Caste – Madiya, R/o Village – Dhani Karka, Kotwar Para, Police Station – Kuakonda, District Dantewada (C.G.)

**---- Applicants****Versus**

- State of Chhattisgarh, through Station House officer, Police Station – Kuakonda, District – South Bastar, Dantewada (C.G.)

**---- State/Non-applicant**


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For Applicant : Shri Awadh Tripathi, Advocate

For Non-Applicant/State : Dr.(Ms.) Veena Nair, Deputy Advocate General

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**Hon'ble Shri Justice Gautam Chourdiya, J****Order on Board****10.03.2021**

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 12.10.2017 in connection with Crime No. 08/2016 registered in Police Station- Kuakonda, District Dantewada (C.G.) for the offence punishable under Sections 147, 148, 149 & 307 of IPC and Sections 25 & 27 of the Arms Act.
2. Case of the prosecution in brief is that on 11.04.2016 complainant Sanjay Pottam, Head Constable, with the police party was sent to Village Kankipara on the direction of Additional Superintendent of Police for incirculating the Maoist. When the police party of the complainant reached the above Kankipara hill, they noticed, certain activities by the Maoist and seeing the police party, Maoist with intention to kill them and commit loot of their weapons started firing at them indiscriminately, on which the police party in their self defence also started counter firing in which one of the Maoists namely Karttam Pandu, resident of Village Kankipara, was found in injured condition having gunshot injury on the left leg and he told the name of other

Maoist including the applicants. The Maoist taking advantage of the hilly region fled from there. A report being lodged to the above by the complainant, the aforesaid offence was registered and during investigation, the applicants were arrested.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they are languishing in jail since 12.10.2017, charge-sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, that the charges have been framed against the applicants under Sections 147, 148, 149 & 307 of IPC and Sections 25 & 27 of the Arms Act, still trial is not concluded, other co-accused have absconded, the detention period of the applicants who are 28 & 22 years old and conclusion of the trial is likely to take some time, without expressing any opinion on merits of the case, the application is allowed.
6. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-
  - i. they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.
  - ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
  - iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
  - iv. they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the

Bench.

7. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence.

Sd/-

**(Gautam Chourdiya)**  
Judge

vatti