
(2019) 03 CHH CK 0135
In the Chhattisgarh High Court
Case No : Criminal Appeal (CRA) No. 1902 Of 2018

Muchaki Kosa And Ors

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 14-03-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 161, 439

Citation : (2019) 03 CHH CK 0135

Hon'ble Judges : Manindra Mohan Shrivastava, J;Rajani Dubey, J

Bench : Division Bench

Advocate : Rahul Tamaskar, K.K. Singh

Final Decision : Dismissed

Judgement

Rajani Dubey, J

1. This appeal is directed against impugned order dated 08.10.2018 by which the appellants' application for grant of bail under Section 439 Cr.P.C. has been rejected.

2. Learned counsel for the appellant would argue that the appellants are innocent residents and they all have been involved only on suspicion without there being any clinching evidence to make out a prima facie case. He would argue that at the time when FIR was lodged by one of the Supervisors engaged in the work of Contract, none of the appellants were named, but it is only later on during investigation that driver of the vehicle in his statement under Section 161 CrPC has come out with their names which shows a false implication on afterthought basis. It is next submitted that as far as recovery of detonator and other articles used for preparation of bombs and explosives from appellant No.1-Muchaki Kosa is concerned, recovery is false and fabricated only to involve.

3. On the other hand, learned State counsel supports the order of rejection by submitting that present is a case of grave nature where team of naxalites have approached the person involved in construction activity, one of them was

murdered and the vehicles were set on fire. He would argue that the FIR was initially lodged by one of the Supervisors who is the outsider and later on, during investigation, driver of the vehicle who is a local person, has named all the appellants as part of the assailant group involved in killing and burning.

4. The nature of allegations against the appellants are grave and serious. True it is that initially in the FIR, their names were not mentioned but the diary statement of the driver of the vehicle which was set on fire, has involved all these appellants in the alleged commission of offence of murder and setting on fire, vehicles and equipments used for construction activities. Therefore, in our opinion, the order of rejecting application for grant of bail does not warrant any interference. The appeal is, therefore, dismissed.