



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 470 of 2023**

- Patiram Dugga S/o Dhannuram Dugga, aged about 35 years, R/o Village Kandadi, Ps Koyalibeda District Uttar Bastar Kanker (C.G.)

---- Appellant

Versus

- State of Chhattisgarh, through Police Station Koyalibeda, District Uttar Bastar Kanker (C.G.)

---- Respondent

For Appellant :- Mr. Priyank Rathi, Advocate.

For Respondent :- Ms. Madhunisha Singh, Deputy Advocate General.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Sanjay K. Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

25.04.2023

1. This appeal under Section 21(4) of the National Investigation Agency Act, 2008 has been preferred by the appellant herein feeling aggrieved and dissatisfied with the order dated 25.01.2023 passed by the Special Judge (NIA Act), Kanker, District Uttar Bastar Kanker in Special Criminal Case No.42/2021 by which the bail application filed by the appellant under Section 439 has been rejected.
2. Mr. Priyank Rathi, learned counsel for the appellant, argues that the name of the appellant has come in the light in the confessional statement of the co-accused who was arrested at the spot. He further argues that the appellant has not been named in the FIR and has falsely been implicated in crime in question. He further argues that out



of 16 witness, statement of 4 witnesses has already been recorded. The appellant is in jail since 10.11.2020 and the trial will take time, therefore, the appellant is entitled to be released on bail.

3. On the other hand, Ms. Madhunisha Singh, learned State counsel, would oppose the prayer made by learned counsel for the appellant and submit that appellant is a member of naxalite group and his involvement in anti-social activities cannot be ruled out and certain articles are said to have been recovered from the possession of the appellant and, as such, the appellant is not entitled to be released on bail as his release would be detrimental to public safety.

4. We have heard learned counsel for the parties, considered their rival submissions made herein-above, and gone through the records with utmost circumspection.

5. Taking into consideration the facts and circumstances of the case and further taking consideration of the fact that recovery of certain articles has been made from the possession of the appellant and his involvement in anti-social activities, we are not inclined to grant bail to the present appellant accordingly, the instant appeal is **rejected**. However, the concerned trial Court is directed to conclude the trial within a period of six months from the date of receipt of copy of this order as out of 16 witnesses, statement of 4 witness has already been recorded.

Sd/-
(Sanjay K. Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice