

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7181 of 2015

1. Dhanraj Jain, S/o. Kewal Chand Jain, aged about 53 years, R/o. Sonarpara Rajnandgaon, Police Station, Tahsil and District – Rajnandgaon (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station -Ghumka, District – Rajnandgaon (C.G.)

---- Respondent

For Applicant : Mr. Ashish Surana, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/12/2015

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.111/2015, registered at Police Station – Ghumka, District – Rajnandgaon (C.G.) for the offence punishable under Section 4, 5 of the Explosive Substance Act, 1908. The earlier bail application was dismissed as withdrawn on 23.11.2015 with liberty to repeat the same after filing of the charge sheet.
2. Case of the prosecution, in brief, is that on 26.09.2015, 17 bags of Ammonium Nitrate was seized from the house of the co-accused Dakesh @ Dakeshwar Sahu. Further on investigation it was found that the said Ammonium Nitrate was stored at the instance of the present applicant, Dhanraj Jain.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that co-

accused, Dakesh has been granted bail by the learned Trial Court and the charge-sheet in this case has been filed and only on the statement of the co-accused, Dakesh, the present applicant has been inculpated and there is no evidence against the present applicant. He would further submit that the applicant is in jail since 06.10.2015, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the facts and circumstances of the case and the fact that charge-sheet in this case has been filed and further taking in to the fact that co-accused has been enlarged on bail by the Trial Court and the applicant is in jail since 06.10.2015, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge