

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1128 of 2016**

Nemhas Tirki Aged about 66 years, S/o Shri Kalyan Tirki, R/o Ranpur,
Choeky-Lodam P.S.-Jashpur, District-Jashpur (CG)

---Applicant

Versus

State of Chhattisgarh, Through – Station House Officer, Police Station –
Jashpur, District-Jashpur (CG)

---Non-applicant

For Applicant	:	Mr. Vimlesh Bajpai, Advocate
For Non-applicant	:	Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

14/03/2016

1. This is the first 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.283/2015, registered at Police Station-Jashpur, District-Jashpur (CG), for the offence punishable under Sections 4 and 5 of the Explosive Substances Act.

2. Case of the prosecution, in brief, is that 38 detonators, 1 ½ kg. gun powder and 36 meters of explosive wire were recovered from the possession of the present applicant and thereby committed the offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that co-accused Sanjay Kumar Jain, who is owner of the crusher plant, has been released on bail by a co-ordinate Bench of this Court vide order dated 14.1.2016 in

M.Cr.C.No.7635 of 2015. The applicant is in jail since 13.10.2015 and charge-sheet has already been filed. He would also submit that as per ballistic report, detonators were ineffective.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that gun powder was effective and explosive wire was recovered from the possession of the present applicant.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, the fact that the applicant was found in possession of 1 ½ kg. gun powder and explosive wire, his case being distinguishable from the facts of the case of accused Sanjay Kumar Jain who has been enlarged on bail, further consideration the gravity of the offence and punishment prescribed for the above-stated offence, I do not find any ground for grant of regular bail to the applicant. Consequently, bail application is rejected.

7. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-