

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1341 of 2016

1. Arun Agrawal, S/o late Devkinandan Agrawal, aged about 40 years, R/o Sivni Mowa, Raipur, District Raipur (C.G.)
2. Mohak @ Charu Garg, S/o Subhash Agrawal, aged about 21 years, R/o Manendragarh, Near Agrawal Lodge, Ward No.14, Police Station Manendragarh, District Korea (C.G.)

---- Applicants

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Bhansi, District Dantewada (C.G.)

---- Non-applicant

For Applicants:	Mr. Goutam Khetrapal, Advocate.
For Non-applicant:	Mr. Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. AgrawalOrder On Board15/03/2016

1. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.13/2015, registered at Police Station Bhansi, Distt. Dantewada, for the offence punishable under Sections 13(1)(a)(b), 39(2), 40(1)(a)(b)(c) of the Unlawful Activities (Prevention) Act, 1967; Section 8(1)(3)(5) of the Chhattisgarh Vishesh Jan Suraksha Adhiniyam, 2005; Section 120B of the IPC; Section 3 of the Explosive Substances Act; and Sections 25 and 27 of the Arms Act.
2. Case of the prosecution, in brief, is that the applicants supplied explosive bullets and instruments required for preparation of weapons and also cash to the said banned organization and thereby committed the offence.

3. Learned counsel for the applicants submits that the applicants are innocent, they have not committed any offence, they have been falsely implicated in the case and there is no evidence at all against the applicants of their involvement in the offence in question, in the case diary. The entire story has been fabricated to rope the applicants in the offence in question. No recovery has been made from the applicants. The entire story is false and fabricated and not an iota of evidence is available in the record. The applicants are in jail since 26-7-2015. Charge-sheet has been filed.
4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstance of the case, the manner in which the applicants are said to have supplied explosive bullets and instruments used for preparation of weapons to the banned organisation, evidence available and consequent recovery of explosive and other articles which clearly denotes indicating the involvement of the applicants in the offence in question, I am not inclined to grant bail to the applicants. Consequently, the application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge