

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3002 of 2016

Dharamlal Bareth S/o Bhagauram Bareth, Aged About 25 Years, R/o Village Kothari Naka, P.S. Uruga, Tahsil Kartala, Civil & Revenue District Korba, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through District Magistrate Korba, Civil & Revenue District Durg, Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Dinesh Tiwari, Advocate
For Respondent/ State	:-	Mr. Anil S Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

22/06/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 37/2016 registered at Police Station- Uruga, District – Korba (C.G.) for the offence punishable under Sections 3 & 5 of Explosive Padarth Act.
2. Case of the prosecution, in brief, is that on 01.02.2016, the applicant was using detonator in Hasdeo river to catch the fishes, he was caught with the detonator as such the offence has been committed.
3. Counsel for the applicant submits that the applicant has been falsely implicated in this case and he has not misused the any detonator and for the fishing purpose some blast was made. He further submits that considering the fact that the charge sheet has been filed and no further seizure is required in this case and the

applicant is in jail since 01.02.2016, therefore, the applicant may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail.
5. Considering the degree of offence and the nature of allegation levelled against the applicant; taking into the fact that the charge sheet has been filed in this case and the fact that the applicant is in jail since 01.02.2016, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge