

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 5723 OF 2017

Rekhu Ram Soni, son of Khilawan Soni, aged about 29 years, R/o Rajankatta, Post Atarmara, PS Panduka, Distt. Gariyaband (CG).

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Piperchhedi, Distt. Gariyaband (CG).

... Respondent

For Applicant	:	Shri Raghvendra Pradhan, Advocate.
For Respondent-State	:	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24/11/2017

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 02.06.2017 in connection with Crime No. 11 of 2017 registered at Police Station Piperchhedi, Distt. Gariyaband for the offence punishable under Section 286 IPC and Sections 3,4 and 5 of Explosives Substance Act.
2. As per prosecution case, the applicant along with other co-accused persons is said to have illegally used explosive substance while fishing and in the process the said explosive blasted causing injury to Sahdev, co-accused.
3. Learned Counsel for the applicant submits that it is a case where Domar and Sahdev are the main accused who were having explosive substance with them and the present applicant had only gone for fishing with them on the date of incident, and therefore he may be enlarged on bail.

4. Opposing the bail application, learned Counsel for the State submits that it is a case where the applicant was found in possession of explosive which could have endangered the human life, and therefore the applicant may not be enlarged on bail.
5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking note of the manner in which the offence occurred and the role played by the present applicant, and also considering the fact that applicant is in jail for more than 5 months, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge