

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4787 of 2017

- Ramkumar Nirmalkar S/o Romlal Nirmalkar Aged About 30 Years R/o Village Achanakpur, Police Station Utai, Tahsil Patan, District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Utai, Tahsil Patan, District Durg Chhattisgarh.

---- Non-applicant

For Applicant : Shri Rahul Tamaskar, Advocate.

For Non-applicant : Shri Anil S. Pandey, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

02.11.2017

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the copy of the charge-sheet provided by the learned counsel for the applicant in connection with crime No. 107/2017 registered at Police Station – Utai, Tahsil – Patan, District – Durg (C.G.) for the offence punishable under Sections 286, 337, 308, 34 of the Indian Penal Code and Sections 3 & 6 of the Explosive Substance Act.
3. Case of the prosecution, in brief, is that on 09.04.2017 by 07:30 am in village Gondpendri there was an explosion caused in the lime stone mine of the accused Vijay Somani. A stone particle injured grand-

daughter of Dwarpal Gaikwad and she became unconscious. The explosion was so loud and other houses of the same village also received stones. At that time, the applicant was Munshi in the said mine. Explosion was caused due to negligent act and without intimating any resident of the village.

4. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in the case, therefore, he may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Looking to these circumstances and other facts of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, applicant is in custody since 10.04.2017, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.

7. Consequently, the bail application is allowed.

8. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond for the sum of Rs. 50,000/- to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and will cooperate during the trial, he shall be released on bail.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE