

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 999 of 2017**

1. Mukesh Kumar Sahu, S/o. Brij Lal Sahu, Aged About 47 Years, R/o. Ward No. 13, Palari, Post Office -Palari, Tahsil & Police Station- Gurur District -Balod, Chhattisgarh

----Applicant

**Versus**

1. State Of Chhattisgarh, Through : Police Station -Arjunda, District-Balod, Chhattisgarh

---- Respondent

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For Applicant : Mr. R.K. Gupta, Advocate

For Respondent/State : Mr. Ashish Shukla, Govt. Advocate

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**01/03/2017**

1. This is the second 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.315/2016, registered at Police Station – Arjunda, District – Balod (C.G.) for the offence punishable under Section 304, 286, 338/34 of the Indian Penal Code and Section 3 & 4 of Explosive Act. The first bail application was dismissed as withdrawn vide order dated 21.12.2016 with liberty to repeat the same after filing of the charge-sheet.
2. Case of the prosecution, in brief, is that the applicant had taken a contract to make a blast in the bore-well of Netram as the bore-well had dried up, therefore, in order to carry out the blast, the detonator

were given to unskilled labour Thalesh Kumar and Ramdev Sahu. During such procedure of blast Thalesh Kumar and Ramdev both died due to the blast occurred and the present applicant had deployed them to carry out the blast. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that this is second bail application. The first bail application was dismissed as withdrawn with liberty to repeat the same after filing of the charge-sheet and the charge-sheet has been filed. It is further submitted that as per the morgue intimation, the name of other person Ashwani Kumar has been shown and there is no evidence to bind the present applicant to the aforesaid offence. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 27.11.2016 and no further investigation is necessary, therefore, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and documents. Considering the facts and circumstances of the case, the nature of allegation levelled against the applicant and further taking into the fact that charge-sheet in this case has been filed and the applicant is in jail since 27.11.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

**Sd/-**  
**(Goutam Bhaduri)**  
Judge

Balram