

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1348 of 2017

Rajesh Patel, S/o. Shri Purushottam Patel, Aged About 35 Years, Caste Aghariya, Occupation Agriculturist, R/o. Village Mudiyadih, Police Station & Tahsil Sarangarh, District Raigarh, Chhattigarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Sarangarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Raghavendra Pradhan, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/03/2017

1. This is the second 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.172/2015 registered at Police Station- Sarangarh, District Raigarh (C.G.) for the offence punishable under Section 4(B) & 5 of Explosive Substance Act.
2. As per the prosecution case, on 22.04.2015 on a raid being conducted in the shop, detonators, chemicals and explosives were recovered in 9 packets from the shop of the present applicant and other co-accused were present. Subsequently, on the statement of the co-accused, the applicant was inculpated.
3. Learned counsel for the applicant submits that this is the second bail application, the earlier bail application was dismissed as withdrawn on 02.02.2017 with liberty to file afresh after examination of the seizure witness and now the seizure witnesses

namely Mohd. Danish and Mohd. Mujahid have been examined and they have not supported the case of the prosecution and the other co-accused Damodar who was present on the spot has been enlarged on bail by the Court below; therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the seizure witnesses have been examined and they have not supported the case of the prosecution.
5. Perused the case diary and the documents. Considering the facts & circumstances of the case and the fact that the seizure witnesses in this case have been examined and they have not supported the case of the prosecution, without any observation on merit, I am inclined to release the applicant on 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