

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1394 of 2018**

Keshav Prasad Rathiya, S/o. Heeraram Rathiya, Aged About 52 Years,
Occupation- Government Service (Patwari), R/o.- Village Chodha, Police
Station -Kharsiya, District- Raigarh, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Abhisek Saraf, Advocate

For State/respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**17/04/2018**

1. This is the first 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.608/2017, registered at Police Station – Kharsiya, District – Raigarh (C.G.), for the offence punishable under Section 4, 5 of the Explosive Substances Act, 1908.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 04.12.2017. No case is made out against him. Charge-sheet has been filed after completion of investigation. Therefore, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that applicant has been earlier prosecuted under Section 135 of Electricity Act, hence, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, on search being made by the police personnel of police station – Kharsiya, 300 grams of ammonium nitrate and some detonators from the possession of this applicant has been seized for which he had no authorizing paper to keep the same.
6. Considered on the submissions made and the contents of the case diary. Considering the entire material present in the case diary and further taking into consideration the facts and circumstances of the case and the fact that the applicant is in jail since 04.12.2017, 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 tomorrow.

Sd/-
(Rajendra Chandra Singh Samant)
Judge