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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4398 of 2018**

1. Roopchand Vishwakarma S/o Janakram Vishwakarma Aged About 25 Years R/o- Village- Timarlaga, P.S. And Tahsil- Sarangarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
2. Nand Kumar Patel S/o Baburam Patel Aged About 19 Years R/o- Village- Timarlaga, P.S. And Tahsil- Sarangarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicants**Versus**

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

---- Respondent**And****M.Cr.C.(A) No. 702 Of 2018**

Prakhar Yadav S/o Indulal Yadav Aged About 37 Years R/o Timarlaga, Police Station And Tehsil Sarangarh Civil And Revenue District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Police Station Sarangarh District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh.

---- Respondent

For the Applicants : Smt. Indira Tripathi and Shri B.M. Roy,
Advocates.

For the Respondent/State : Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.07.2018**

Heard.

1. Both these applications are being decided by this common order as they arise from the similar incident. M.Cr.C. No. 4398 of 2018 filed under Section 439 of the Code of Criminal Procedure, 1973 is the first bail application filed by the applicants for grant of regular bail to them, who have

been arrested in connection with Crime No. 306 of 2018, registered at Police Station – Sarangarh, District – Raigarh, Chhattisgarh for the offences punishable under Sections 4(B) and 5 of the Explosive Substance Act. M.Cr.C.(A) No. 702 of 2018 is the first bail application filed by applicant – Prakhar Yadav under Section 438 of Cr.P.C. for grant of anticipatory bail, who is apprehending arrest in connection with the aforesaid offence.

2. Learned counsel for the applicants submit that the applicants have been falsely implicated in this case. Applicants – Roopchand Vishwakarma and Nand Kumar Patel are in detention since 24.5.2018. According to the material present in the case-diary, no case is made out against the applicants. Hence, for these reasons, the applicants are entitled for grant of regular/ anticipatory bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that the investigation in this case is incomplete and the charge-sheet has not been filed. Hence, for these reasons, none of the applicants deserves to be enlarged on regular/ anticipatory bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the case against the applicants, on receiving confidential information, the police personnel of P.S. Sarangarh raided the spot where applicant – Nand Kumar Patel was found operating drill machine making holes in the stones and applicant – Roopchand Vishwakarma was fitting detonator (the explosive substance) in the holes. On being enquired,

applicant – Roopchand Vishwakarma and another informed that they have been instructed by applicant – Prakhar Yadav for doing the same. Hence, this case.

6. Considered the material present in the case-diary. Applicant – Prakhar Yadav was not present on the spot and he has been implicated because of the statement given by the co-accused persons, hence, he appears to be entitled for grant of anticipatory bail and similarly, considering the fact that applicants – Roopchand Vishwakarma and Nand Kumar Patel in M.Cr.C. No. 4398 of 2018 are local residents of District Raigarh and there shall be no difficulty in their availability during trial and the trial of the case is likely to take some time for its final disposal, the application deserves to be allowed.

7. Accordingly, the bail applications filed under Sections 439 and 438 of the Cr.P.C. are allowed.

8. It is directed that applicants – Roopchand Vishwakarma and Nand Kumar Patel in M.Cr.C. No. 4398 of 2018 shall be released on bail on each of them 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 their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

9. It is directed that in the event of arrest of applicant – Prakhar Yadav in M.Cr.C.(A) No. 702 of 2017 in connection with the aforesaid offence, he shall

be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge