

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRCA No. 906 of 2018

- Vijay Kumar Somani S/o Late Gulab Chand Somani Aged About 59 Years R/o G/12, Adarsh Nagar Durg Tehsil And District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Utai, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Ashish Surana, Advocate.

For Non-applicant : Mr. Sangarsh Pandey, Dy. Government Advocate

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board31.08.2018

1. This is an application for grant of anticipatory bail under Section 438 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. The applicant is apprehending his arrest in connection with Crime No. 107/2017 registered at Police Station- Utai District- Durg (C.G.), for offence punishable under Section 286, 337/34 of the Indian Penal Code and Section 3 and 6 of the Explosive Substances Act.
3. Case of the prosecution, in brief is that applicant is the owner of the lime stone quarry situated in village Godpendri. During the blast, stone particle injured grand daughter of Dwarpal Gaikwad,

blast was so loud that other houses of some villagers also received stones.

4. Learned counsel for the applicant submits that no blast report has been filed by the prosecution, he further argued that one coaccused has already been enlarged on regular bail by this Court, the applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Looking to the facts and circumstances of the case, looking to the impact of granting anticipatory bail to the applicant on society, this Court is not inclined to give benefit of Section 438 of the Cr.P.C. to the applicant.
7. Consequently, the present anticipatory bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE