

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6439 of 2018**

- Ashok Agrawal S/o Kisanvchand Agrawal Aged About 48 Years R/o Village- Tousir Police Station Baramkela District- Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Thana - Sarangarh District - Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Respondent

For Applicant	: Mr. Sanjay Agrawal, Advocate.
For State/respondent	: Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****11/10/2018**

- This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.299/2018 registered at Police-Station-Sarangarh, Raigarh, District-Raipur(C.G.) for the offence punishable under Sections 420, 120-B/34 of the Indian Penal Code and 3, 4 & 5 Explosive Substance Act 1908 and Section 4 of Ammonium Nitrate Act, 2012, Section 9(1)(b) of Explosive Act, 1884.
- It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out

against him. The applicant has been implicated in this case only on the basis of memorandum statement given by co-accused Prakash Agrawal. There is no evidence on record to show that the godown from which explosive substance was seized was owned and possessed by this applicant. Similarly placed co-accused persons have been granted regular bail by this Court. Hence, it is prayed that he may also be enlarged on regular 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 huge quantity of explosive substance has been recovered from the godown of this applicant, which shows deemed possession of this applicant, hence, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Police personnel of PS-Sarangarh conducted raid in one premises where explosive substance were being unloaded from one truck. Co-accused Prakash Agrawal was present on the spot was arrested. He has given statement on memorandum, that some explosive substance has been stored in the godown of this applicant. Hence this case against him.
6. Considering the entire material present in the case diary and further considering the fact that similarly placed co-accused persons have been granted regular bail by this Court, I am of the view that present applicant is also entitled to be released on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. are allowed. 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha