

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4698 of 2019**

Ajay Yadav, S/o Suresh Yadav, aged about 28 years, R/o Sauni, P.S. Balrampur, District Balrampur-Ramanujganj (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Rajpur, Police Chowki Bario, Police Station Rajpur, District Balrampur-Ramanujganj (CG).

---- Non-applicant

For Applicant	: Mr. Sanjay Pathak, Advocate
For Non-applicant	: Mr. Dinesh Kumar Tiwari, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****09.08.2019**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.9/2019 registered at Police Station Outpost Bariyo, Police Station Rajpur, District Balrampur Ramanujganj for the offence punishable under Section 4(B) of Explosive Substance Act, Section 14 of Child Labor Act and Section 34 of Indian Penal Code.
3. The first bail application of the applicant was rejected on merits by this Court vide order dated 08.03.2019 passed in M.Cr.C. No.1227/2019 considering prima facie case against him.
4. Case of the prosecution, in brief, is that on the memorandum of applicant, Sub-Inspector Rupesh Narang posted at police station Rajpur seized 5 live zelatin rods, 2 live detonators, DF wires from the possession of the applicant. He had kept such explosive material for excavation work of stone quarry by blasting. He had also engaged three minor children for the explosive work of said quarry.
5. Counsel for the applicant submitted that there is only ten minutes difference between recording of memorandum and seizure though distance is 20 kms. All the proceedings have been done in the police station without

going to anywhere. He is in jail since 15.01.2019 and charge-sheet has been filed hence the applicant may be released on bail.

6. On the other hand, counsel for the State opposed the bail application. However, he submitted that previously no criminal antecedent is reported against the applicant in police case diary.

7. The alleged short time difference between memorandum and seizure, the distance are the subject matter of scrutiny of evidence.

8. This is well settled legal position that while dealing with the bail application, this Court can neither scrutinize nor appreciate the evidence. At this stage, this Court also cannot touch the merit and demerit of the case.

9. Looking to above mentioned facts and circumstances of the case and looking to this fact that there is no change in the circumstances of the case on the strength of which the applicant be released on bail in the second round of litigation. Consequently, the second bail application is rejected.

10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-