

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4963 of 2019**

- Vijay Kumar Somani S/o Late Shri Gulab Chand Somani Aged About 59 Years R/o Village- Godpendri, P.S. - Utai, G/12, Adarsh Nagar, Durg, Tehsil And District- Durg (C.G.)

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station - Utai, District- Durg (C.G.), District : Durg, Chhattisgarh

**---- Respondent**

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 For Applicant : Shri Sunil Otwani, Advocate  
 For Respondent/State : Shri Wasim Miyan, Panel Lawyer  
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**Hon'ble Smt.Justice Rajani Dubey**  
**Order On Board**

**13.8.2019**

1. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.107/2017, registered at Police Station Utai, District Durg(CG) for the offence punishable under Sections 286, 337 of the IPC and Section 3 and 6 of the Explosive Substances Act, 1908.
2. As per the case of prosecution, due to explosion in the mine of the applicant, a stone jumped and came to the court yard of the complainant and hit to his grand daughter, due to which, she received injury on her leg and became unconscious. A report was lodged and the applicant was arrested.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. He submits the applicant is in jail since

13.7.2019 and trial will take some time for its final disposal, therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties.
6. Considering the totality of the facts and circumstances of the case, in particular the nature of allegations against the applicant and the fact that the applicant is in jail since 13.7.2019, I am of the opinion that present is a fit case to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
9. Certified copy as per rules.

Sd/

**(Rajani Dubey)**  
**JUDGE**