

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6766 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, Outpost Bariyo, Police Station Rajpur, District Balrampur-Ramanujganj (CG).

---- Non-applicant

For Applicant : Mr. Sanjay Pathak, Advocate

For Non-applicant : Mr. Suyash Dhar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**05.11.2019**

1. This is the third 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.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 and Section 14 of Child Labor Act and Section 34 of Indian Penal Code.
2. 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. His second bail application was also rejected on merits by this Court vide order dated 09.08.2019 passed in M.Cr.C. No.4698/2019.
3. 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, D.F. wires from the possessions 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.

4. Counsel for the applicant submitted that the applicant is an innocent person and has been falsely implicated in the present case. He further submitted that memorandum and seizure witnesses have been examined, they turned hostile and did not support the prosecution case. The applicant is in jail since 15.01.2019, hence the applicant may be released on bail.
5. On the other hand, counsel for the State opposed the bail application. However, he submitted that no criminal antecedent is reported against the applicant as per police case diary.
6. The detention period of the applicant is a considerable factor for deciding the bail application. But equally, it is also true that some other factors like seriousness of the offence and impact of granting bail to the applicant on society are also material and important factors for disposal of the bail application of the applicant.
7. Turning hostile of memorandum and seizure witnesses itself are not a sufficient ground to enlarge the applicant on bail. In the case in hand, Investigating Officer is to be examined.
8. Looking to the above mentioned facts and circumstances of the case, this Court finds that it is not a fit case where the applicant may be released on bail in the third round of litigation. Consequently, the third bail application of the applicant is rejected. However, the trial Court is directed to expedite the trial and dispose of case as soon as possible from the date of receipt of certified copy of this order.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE