

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1772 of 2020**

- Umesh Kumar Patel S/o Late Babulal Patel Aged About 34 Years Resident Of Village Timarlaga Police Station Sarangarh Taluka Sarangarh District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Collector, Raigarh, Taluka Sarangarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent**And****MCRC No. 1181 of 2020**

- Vijay Kumar Naidu S/o Parmal Naidu Aged About 38 Years R/o Regali Camp, Police Station Atabira, District Bargarh (Odisha)., District : Bargarh *, Orissa

---- Petitioner**Versus**

- State Of Chhattisgarh Through The District Magistrate Raigarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent**And****MCRC No. 1299 of 2020**

- Baratu Sidar S/o Shri Munuram Sidar Aged About 48 Years R/o Village Gudeli, Police Station Sarangarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Police Station Sariya, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent**And****MCRC No. 1520 of 2020**

- Amrit Lal Patel S/o Seetaram Patel Aged About 36 Years Resident Of Village Timarlaga Police Station Sarangarh Taluka Sarangarh District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through A.G.P. Sarangarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- **Respondent**

For Applicants	:	Shri Kamal Kishore Patel, Shri Raghavendra Pradhan, Shri Prateek Sharma and Shri T.K. Jha, Advocates for respective applicants
For Respondent	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Smt Justice Rajani Dubey

Order on Board

21/05/2020

1. Since the aforesaid bail applications arise out of the same crime number, they are being disposed of together by this common order.
2. The applicants have preferred these first bail applications under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime Nos.08/2020 registered at Police Station – Sariya, District Raigarh (C.G.) for the offence punishable under Section 5 of Explosive Substance Act.
3. The prosecution story, in brief, is that on 21.01.2020, on a tip-off received from the informant, the police intercepted the vehicle Bolero bearing registration No. OD-17-B-6517 which was in possession of applicant Ishwar Nayak and Suresh Tandi and conducted search in which 7 bags weighting 350 kg of explosive substance Ammonium Nitrate, 700 pieces of Detonator and 4 bundles defuse wire were seized. During investigation, 50 pieces of detonators were seized from main accused Vijay Naidu and on his information, further explosive substance was seized from other accused persons. Based on this, offence has been registered. The applicant in MCRC No.1772/2020 is in custody since 25.01.2020, applicants in MCRC No.1181/2020 & 1299/2020 are in custody since

21.01.2020 and applicant in MCRC No.1520/2020 is in custody since 01.02.2020.

4. Learned counsel for the applicants jointly submits that the applicants are innocent and have been falsely implicated in the case. They further submit that the evidence collected by the prosecution is not sufficient to hold the applicants guilty of offence. They also submit that the applicants are languishing in jail for more than four months and there is no likelihood of their case being decided in near future. Therefore, they may be released on bail.
5. On the other hand, learned counsel for the State opposed the bail applications.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicants are in custody for more than 4 months and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicants on bail.
8. Accordingly, the bail applications are allowed.
9. It is directed that the applicants shall be released on bail on their executing a personal bond for a sum of Rs.25,000/- each with one local surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed, till the final disposal of trial.
10. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this

Court, but if he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks from today.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde