

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2913 of 2015**

Satish Rataur S/o Narayan Prasad Rataur Aged About 24 years
R/o Village Afidgarhkara, Tah. & District Janjgir Champa
Chhattisgarh, Present Address Kashi Nagar Near Nuri Masjid
Korba, Tah. And District Korba (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Kotwali, District
Korba Chhattisgarh.

---- Non-applicant

And**MCRC No. 3130 of 2015**

Gitesh @ Hitesh Narayan Upadhyay, S/o Jugal Kishore
Upadhyaya, aged about 30 years, R/o Village-Sajapali, Post
Office- Kanai, Police Station- Akaltara, Civil and Revenue
District – Janjgir-Champa (C.G.), Presently R/o Near Korba
Computer College, Budhwari, Korba, Tahsil – Korba, Civil and
Revenue District Korba (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Kotwali, District
Korba (C.G.).

---- Non-applicant

For Applicant: Shri Vikash Pandey, Advocate in M.Cr.C.
No.2913/2015.

For Applicant: Shri Dharmesh Shrivastava, Advocate in M.Cr.C.
No.3130/2015.

For Non-Applicant Shri Siddharth Rathore, Deputy Govt. Advocate .

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board**03/07/2015**

(1) Above mentioned two bail applications filed under Section 439 of the Code of Criminal Procedure arise out of a common Crime No.177/2015, registered at Police Station Kotwali, District Korba, for the offences punishable under Sections 25 & 27 of the Arms Act, therefore, they are being heard analogously and decided by this Common Order.

(2) Case of the prosecution, in brief, is that applicants were found in possession of one country made pistol along with two live cartridge on 09.04.2015 and, thereby, committed the aforesaid offence.

(3) Learned counsel for the applicants submits that applicants have falsely been implicated in the offence in question as they have not committed any offence. e further submits that applicants are languishing in jail since 09.04.2015; and the charge sheet has already been filed against the applicants and, therefore, the applicants may be released on bail.

(4) On the other hand, learned counsel for the State opposes the bail applications and submits that from the possession of accused-Satish Rataur; two live cartridge has been seized whereas from the possession of accused- Gitesh @ Hitesh Narayan Upadhyaya, one country made pistol has been seized and, therefore, they are not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case; further considering the facts that applicants are languishing in jail since 09.04.2015; and the charge sheet has already been filed against the applicants; this court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

(6) Accused/applicants – **Satish Rataur & Gitesh @ Hitesh Narayan Upadhyaya** are directed to be released on bail on each of them executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)

Judge

D/-