

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5100 of 2015**

- Altaf @ Yasir Abbasi, S/o Mohd. Nasrool Islam Abbasi, aged about 30 years, R/o Village Amlipadar, Post Amlipadar, Police Station Amlipadar, Distt. Gariyaband (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Amlipadar, District Gariyaband (C.G.)

---- Non-applicant

For Applicant:	Dr. N.K. Shukla, Senior Advocate assisted by Shir Shiv Shanker Tiwari, Advocate.
For Respondent/State:	Mr. Neeraj Kumar Sharma, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****28/09/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 25/2015 registered at Police Station Amlipadar, District Gariyaband for offence punishable under Section 25 of the Arms Act, 1959.

(2) Case of the prosecution, in brief, is that on 25.06.2015 applicant was found in possession of one muzzle loading gun without authority of law and thereby committed the aforesaid offences.

(3) Learned Senior Counsel appearing for the applicant submits that applicant has been falsely implicated in the offence in question as has not committed any offence in fact the muzzle loading gun used for crop protection and sports purposes and, as such, there is no incriminating material against the applicant and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that various criminal cases are registered against the applicant for the various offences.

(5) In reply to this, learned Senior Counsel would submit that in one criminal case, the applicant has already been acquitted and other criminal cases are pending consideration but looking to the fact that the applicant is languishing in jail since 25.06.2015; the charge sheet has already been filed and no useful purpose would be served in detaining him in jail and, therefore, the applicant may be released on bail.

(6) Taking into consideration the facts & circumstances of the case; role of the present applicant in the offence in question; pre-trial detention; and the charge sheet has already been filed; this Court is of the view that it is a fit case to release the applicant on

bail. Accordingly, the application is allowed.

(7) Accused/applicant is directed to be released on bail on his 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. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-