

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 5452 OF 2015**

Amit Kasturiya, S/o Shri Manoj Kasturiya, aged about 27 years, R/o Janta Quarter No. EWS 697, Near Hanuman Mandir, New Rajendra Nagar, Raipur, Distt. Raipur (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station-New Rajendra Nagar, Raipur, Distt. Raipur (C.G.)

---Non-applicant

For Applicant	:	Ms. Smita Jha, Advocate
For Non-applicant	:	Mr. Ashutosh Pandey, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****12/10/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 132/15, registered at Police Station New Rajendra Nagar, Raipur, Distt. Raipur (C.G.), for the offence punishable under Section 25/27 of the Arms Act.

2. Case of the prosecution, in brief, is that present applicant along with other co-accused persons were found in possession of one country made pistol and one live cartridge and thereby committed the aforesaid offences.

3. Learned counsel for the applicant submits that live cartridge found and seized from other co-accused persons namely Bharat Parihar (Ahirwar) and Sonu Parihar and they have already granted regular bail by this Court

vide order dated 05/10/2015 passed in M.Cr.C. No. 5309/2015. Therefore, the present applicant may also be released on regular bail on the ground of parity.

4. On the other hand, learned counsel for the State submits that case of the present applicant is identical to other co-accused persons, who have granted bail by this Court vide order dated 05/10/2015 passed in M.Cr.C. No. 5309/2015.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; defence of the applicant; further considering his pre-trial detention; the fact that substantial investigation has already been made and particularly considering the order passed by this Court on 05/10/2015 in M.Cr.C. No. 5309/2015 granting regular bail to the other co-accused persons, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is ordered that the applicant shall be released on bail on his furnishing a personal bond of **Rs.25,000/-** along with one surety of the like amount 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.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE