

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4712 of 2016

- Ajay Kumar Manhar S/o Dasruram Manhar Aged About 31 Years R/o Village Adarsh Nagar, Sirgitti, Ward No. 04, Police Station Sirgitti, District Bilaspur, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Civil Line, Bilaspur, District Bilaspur, Chhattisgarh. --- **Respondent**

For the applicant	: Mr. Chandresh Shrivastava, Advocate
For the Respondent	: Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.08.2016

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 297 of 2016 registered at P.S. Civil Line, Bilaspur District Bilaspur (C.G) for the offence punishable under Sections 25 & 27 of the Arms Act.
2. As per the prosecution case, on 16.05.2016 one revolver six rounds and 3 live cartridges were seized from the possession of the applicant. The applicant was not having any license and could not produce the documents, as such, the offence has been registered.
3. Learned counsel for the applicant submits that the earlier bail application has been rejected on 08.07.2016 as at that time the charge sheet has not been filed and subsequently the charge sheet has been filed and memorandum witness and seizure witness have not supported the case of prosecution, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the statements of seizure witness Devendra Singh Rajput (P.W.1) and Memorandum witness D.Dwivedi (P.W.2) which show that these witnesses have not supported the case of prosecution.
6. Considering the fact that the investigation has been complete; charge sheet has been filed and further taking into the statements of seizure witness Devendra Singh Rajput and Memorandum witness D.Dwivedi whereby they have not supported the case of prosecution, I am inclined to release the applicant at this stage.
7. Accordingly, this application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the said Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE