

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2350 OF 2016

Sanju @ Chotu S/o Harvansh Upadhyay aged about 20 years,
Occupation Labour R/o Village Chandan Talab Par, Police Station
Kharsia, Tah. Kharsia, Distt. Raigarh (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Police Chowki Kharsia, Police Station
Kharsia, Distt. Jashpur (C.G.)

... Non-applicant

For Applicant	:	Mr. N. K. Malaviya, Advocate.
For Non-applicant/State	:	Mr. Gary Mukhopadhyay, Dy. GA

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/06/2016

1. This is the first bail application filed under Section 439 of CrPC for grant of bail to Applicant, who has been arrested on 28.1.2016 in connection with Crime No.41/2016 registered at Police Station Kharsia, District Raigarh, for the offence punishable under Sections 25 and 27 of the Arms Act.
2. As per the prosecution, the present applicant was found to be carrying country made pistol on 28.01.2016 and he was in search of selling it to the customers.
3. Counsel for the applicant submits that he has already remained in jail for a period of about 6 months, therefore, taking into consideration the period of custody and the fact that the present applicant is young boy aged about 20 years, he may also be released on bail.
4. State counsel opposes the bail application on the ground that another criminal case was lodged against the present applicant for the offence punishable under Sections 294, 323 & 506 of the IPC.

5. Considering the total facts and circumstances of the present case and without going into the merits of the case and also for the fact that the present application has already remained in jail for a period of about 6 months, this Court is of the view that it is a fit case where the Applicant can be released on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that in case the Applicant furnishes a personal bond for a sum of **Rs. 20,000/- with one surety** of the like amount to the satisfaction of the concerned Trial Court then he shall be released on bail on the following further conditions:-

(i) that the Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

(ii) that the Applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iii) that the Applicant shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(P. Sam Koshy)
V. Judge