

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7496 of 2015

Abhishek Nishad, S/o. G.R. Nishad, Aged About 28 Years, R/o. Sakin
Devrikhurd, Police Station Torba, Civil & Revenue Distt. Bilaspur,
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Tarbahar, Civil & Revenue
Distt. Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Akhilesh Kumar, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12.01.2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.332/2015, registered at Police Station– Tarbahar, District Bilaspur (C.G.) for the offence punishable under Section 25 of Arms Act.
2. The first bail application was dismissed as withdrawn on 04.12.2015 in M.Cr.C. No.7024 of 2015.
3. Case of the prosecution, in brief, is that on an information received on 02.11.2015 that a person was sitting in a Ford Figo Car alongwith arms, the police reached there and apprehended the applicant and on being interrogated and searched, a Pistol & Magazine was recovered from the applicant.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case as the seizure was not made on

the person of the applicant. He further submits that the charge sheet has been filed in this case and no further seizure is necessary; therefore, the applicant may be enlarged on bail.

5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Taking into the facts and circumstances of the case and considering the degree of allegation and the fact that the charge sheet has been filed and the applicant is in jail since 02.11.2015, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
10. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge