

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4802 of 2016

Jehru Lal, S/o. Ramprasad, Aged About 50 Years, R/o. Madhopali, Police Station Saraipali, District Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Of Police Station - Saraipali, District – Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.09.2016

1. This is the first 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.161/2016 registered at Police Station- Saraipali, District Mahasamund (C.G.) for the offence punishable under Section 25 of the Arms Act.
2. As per the prosecution case, on a raid being conducted on 25.05.2016 from the possession of the applicant, 31 items of the manufacturing of Gun were recovered; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that no notification has been filed to the effect that the goods seized were within the prohibited degree and further it is stated that no sanction was obtained before filing the charge sheet and no further investigation is necessary in this case, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. On a specific query made as to whether the Guns were found and who are the consumer, the State counsel is unable to satisfy the Court about the same.
6. Perused the case diary and the documents. Considering the facts and circumstances of the case and the fact that the charge sheet has been filed and no further investigation is necessary, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge