

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6709 of 2016

Dr. Kabir Dwivedi S/o Late Arun Kumar Dwivedi Aged About 44
Years R/o Shyam Nagar, Raipur, Tahsil & District Raipur,
Chhattigarh.

----Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station New Rajendra Nagar, District- Raipur, Chhattisgarh.

---- Respondent

For applicant - Shri Prateek Sharma, Advocate.
For Respondent/State – Shri U.K.S. Chandel, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

2/11/2016

1. This is third bail application under Section 439 of Cr.P.C. The first bail application was dismissed as withdrawn on 26/09/2016 vide M.Cr.C. No.6073/2016 and second bail application was dismissed for want of prosecution on 5/10/2016 vide M.Cr.C. No. 6529/2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.169/2016 registered in Police Station New Rajendra Nagar, Raipur District Raipur (C.G.) for offence punishable under section 25 of Arms Act, 120 B of Indian Penal Code.
3. As per the prosecution case, on 29/08/2016 on an information received that in front of Sai Electronics Shop which belong to Daulat Ram Kukreja cartoon was left wherein on search being made it was found that cartoon was kept by the applicant and in cartoon one pistol with 12 catridges were recovered.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case, seizure was not made in person from the applicant and it was seized from the open place. He submits that

charge sheet has been filed, no further investigation would be necessary and the applicant is in jail since 29/08/2016, therefore the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Considering the facts and circumstances of the case, charge sheet has been filed and also considering the nature of evidence, this court is inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE