

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7794 of 2016

- Pawan Shrivastava @ Boda S/o Gautam Shrivastava, Aged About 27 Years
R/o Atal Awasthi Malibhata Bilaspur P. S. Sarkanda Revenue And
Civil District Bilaspur (Chhattisgarh).

---- **Petitioner**

Versus

- State Of Chhattisgarh Through : The Police Station Sarkanda
District Bilaspur (Chhattisgarh).

---- **Respondent**

For Applicant : Mr. Pravin Kumar Tulsyan, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19-12-2016

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 on 13-3-2016 in connection with Crime No.200 of 2016, registered at Police Station Sarkanda, District Bilaspur (CG) for the offence punishable under Sections 25 & 27 of the Arms Act.
2. Case of the prosecution, in brief, is that the applicant was moving with "Chapad" which is commonly used in cutting of the sugar-cane and was threatening the people and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case. One of the seizure witnesses namely Dhruvraj Singh, who is a driver, has been

examined and Pramod Das who is an independent witness has been examined and he has not supported the prosecution case while Dhruvraj Singh, who is a Police witness, has supported the prosecution case which would be evident from para 5 of the statement. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 13-3-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and also other documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the statements of the seizure witnesses and considering the fact that the applicant is in jail since 13-3-2016, this court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju