

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 512 of 2017

1. Divyaraj Singh, S/o. Amar Singh, aged about 33 years, R/o. Nootan Chowk, behind Dreamland School, Police Station – Sarkanda, District – Bilaspur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station – Sarkanda, District – Bilaspur (C.G.)

---- Respondent

For Applicant	:	Mr. U.K.S. Chandel, Advocate
For Respondent/State	:	Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/02/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.671/2016, registered at Police Station – Sarkanda, District – Bilaspur (C.G.) for the offence punishable under Section 25, 27 of Arms Act.
2. Case of the prosecution, in brief, is that on 01.10.2016 certain information was received that the present applicant is in possession of arms. On receipt of such information, a raid was conducted and from the possession of the applicant one country made pistol was recovered. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that on 03.02.2017 seizure witnesses namely Ravi Pradhan and Dilip Singh Thakur has been examined and they have not supported the case of the

prosecution and the applicant has been falsely implicated in this case.

It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 01.10.2016, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that seizure witnesses namely Ravi Pradhan and Dilip Singh Thakur have been examined and they have not supported the case of the prosecution.
5. I have heard learned counsel appearing for the parties.
6. Considering the fact that seizure witnesses have not supported the case of the prosecution without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge