

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 870 of 2017

- Arif Khan S/o Nazir Khan Aged About 26 Years By Caste Musalman, R/o Bazar Para, Ward No. 6, Thana & Tahsil Sakti, District Janjgir- Champa, Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through Police Station Sakti, District Janjgir- Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Parag Kotecha, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

6-3-2017

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 26-11-2016 in connection with Crime No. 376 of 2016, registered at Police Station Sakti, District Janjgir Champa (CG) for the offence punishable under Section 25 of the Arms Act.
2. As per prosecution case, on 26-11-2016 the applicant was found in possession of one country made pistol and two live cartridges without any valid licence and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 26-11-2016 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 and would submit that in 2004 and 2006 criminal cases under different Sections of IPC were registered against the applicant.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 26-11-2016, 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 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju