

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.1914 of 2017**

- Chandan Prasad Gupta S/o Late Tarni Prasad Gupta, Aged About 35 Years R/o Village Manaidand, Post & District Dhanbad, Jharkhand.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Incharge, Vishrampur, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Arvind Dubey, Advocate
For Respondent/State	: Shri Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****19.7.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.15/2017 registered in Police Station Vishrampur, Distt. Surajpur (CG) for the offence punishable under Section 25 of the Arms Act, 1959.

3. Learned counsel for the applicant submits that the applicant has been arrested on 16.01.2017, after investigation, concerned police has filed charge sheet which is pending before Chief Judicial Magistrate, Surajpur as Criminal Case No.1243/66/2017 [Learned counsel for the applicant would submit that he has a reasonable doubt whether the said criminal number is correct or

not, but he mentioned the said number only on the basis of the number mentioned in the order dated 14.02.2017 passed by First Additional Sessions Judge, Surajpur in Bail Petition No.30/17]. Learned counsel for the applicant would submit that this Court has directed the State to obtain the criminal antecedent of the applicant from his native place and the State has not noticed/received any information regarding the criminal antecedent of the applicant which goes to show that prima facie the applicant is the first offender, and per allegation, he was arrested along with a hand made revolver of six round but no live or empty cartridge has been seized from the applicant which goes to show that he has no prima facie intention to commit the offence. At the worst the applicant was in search of any probable purchaser. He is in custody for more than six months, he will not repeat the same or any other offence in future, hence, he may be granted bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant and would submit that as the applicant is a resident of Distt. Dhanbad (Jharkhand) found in illegal possession of hand made revolver of six rounds within the jurisdiction of Vishrampur, Distt. Surajpur and he has not offered any explanation for the same and also the Jharkhand Police reported criminal background of the family of the applicant though not of the applicant, and looking to the entire facts, the instant bail application may be dismissed.

5. Perused the entire material.

6. The applicant is in custody for six months and three days, there is no criminal antecedent reported in the matter as the applicant was not in a possession of live or empty cartridges and also looking to the entire facts and period of detention, I am inclined to grant one last opportunity to the applicant so that he shall not commit any offence in future.

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 furnishing a personal bond in the sum of Rs.1,00,000/- with two separate solvent sureties of Rs.50,000/- to the satisfaction of Chief Judicial Magistrate, Surajpur for his appearance before the said Court as and when directed.

9. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the above, the Court below may proceed further under the provisions of law, under intimation.

10. It is further directed that till the conclusion of the trial, present applicant shall mark his appearance before the Station House Officer/IO, Police Station Vishrampur, Distt. Surajpur **on First and Third Monday of every month at 11.00 am.** It is further made clear that if the applicant without any cogent and proper reason does not appear before the Police of Police Station Vishrampur, Distt. Surajpur as directed, the concerned police may inform the trial Court for the act and if his non appearance found to be without any proper and cogent reason, the instant order granting bail to the applicant shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. Registrar (Judl.) is further directed to send a copy of the order to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE