

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1193 of 2017

- Santosh Ahuja @ Babi @ Anda s/o. Motumal Ahuja, aged about 21 years, r/o. Hinduai Chowk, Sarkanda, PS Sarkanda, District Bilaspur (CG).

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Sarkanda, District Bilaspur (CG).

---- Respondent

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For Applicant : Mr. U.K.S. Chandel, Advocate

For Respondent/State : Mr. Wasim Miyan, Panel Lawyer

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Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07-03-2017

1. This is the first bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 1-10-2016 in connection with Crime No.671 of 2016, registered at Police Station Sarkanda, District Bilaspur (CG), for the offence punishable under Sections 25 & 27 of the Arms Act.
2. As per prosecution case, on 1-10-2016 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 dagger (Gupti) was recovered and thereby the aforesaid offence has been committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case, charge-sheet has been filed, the applicant is in jail since 1-10-2016 and no further investigation is necessary. He would further submit that the case of

the present applicant is similar to that of other co-accused namely Divyaraj Singh, who has been granted bail vide order dated 8-2-2017 passed by this Court in M.Cr.C. No. 512 of 2017, therefore, present applicant may also be released on bail on the ground of parity.

4. Per contra, learned State counsel opposes the prayer for grant of bail application. However, he is not able to dispute the fact that the case of the present applicant is similar to that of other co-accused who has been granted bail.
5. I have heard learned counsel for the parties and perused the case diary and documents.
6. Taking into consideration all the facts and circumstances of the case and considering the fact that charge-sheet has been filed, the applicant is in jail since 1-10-2016 and further considering the fact that other co-accused has been granted bail, I am inclined to release the applicant on bail.
7. Accordingly, the 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 solvent surety in the like amount to the satisfaction of the trial Court. He shall appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
Judge

Raju