

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1356 of 2018

- Om Awasthi S/o Ramavatar Awasthi Aged About 30 Years R/o.- Near Shiv Temple, Ward No.-3, Sirgitti, Police Station- Sirgitti, Civil And Revenue District- Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Sirgitti, District- Mungeli, Chhattisgarh, District : Mungeli, Chhattisgarh

---- Respondent

For Applicant	:	Mr. UKS Chandel, Advocate.
For Respondent/State	:	Mr. V.B. Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

28/03/2018

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.10/2018 registered at Police Station– Sirgitti, District– Bilaspur(C.G.) for the offence punishable under Sections 25 & 27 Arms Act.
2. Learned counsel for the applicants submits that applicant is innocent and has been falsely implicated in this case. Applicant has been implicated only for the reason that he made a complaint against SHO of PS-Sirgitti. No offence has been committed by him. Applicant is in jail since 15.1.2018. Presently the charge-sheet is filed before the concerned Court. Hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that applicant has a criminal record. Applicant was proceeded in six cases of preventive nature under the provisions of CrPC and he has been prosecuted in 3 cases for the offence under various provisions of IPC. Hence, he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. On the search made by police personnel of PS-Sirgitti one country made pistol along with four live cartridges were recovered from the possession of the applicant and offence was registered against him.
6. Perused the entire material present in the case diary. The previous record of this applicant appears to be of prior to the year 2013 and counsel for applicant has made this submission, that applicant has been acquitted from the previous criminal cases prosecuted against him. Hence, for this reason, I am of this view that this is a fit case where applicant should be released on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge