

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2973 of 2018

- Shailendra Sagar S/o Late Shri Avatar Singh, Aged About 47 Years, R/o- Gurunanak Nagar, Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- District Magistrate, Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

MCRC No. 3030 of 2018

- Bhagat Singh Gurudutta S/o Satnam Singh Aged About 47 Years R/o In Front Of Om Parisar, Near Kalibadi, Police Station Mohan Nagar, Tahsil And Distt. Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate Durg, Distt. Durg Chhattisgarh, District : Durg, Chhattisgarh

--- Non-applicant

For Applicant – Shri Amiyakant Tiwari, Advocate (in MCRC No.2973/2018),
Smt. Fouzia Mirza, Advocate (in MCRC No.3030/2018).
For Non-applicant/State – Shri Gary Mukhopadhyay, Deputy Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri
Order on Board

28-05-2018

1. As these two applications arise out of the same crime number, i.e. Crime No.01/2018, registered at Police Station Durg Kotwali, District- Durg, Chhattisgarh for the offence under Section 302/34 of the IPC and Section 25, 27 of the Arms Act, they are being decided by this common order.
2. These are the first bail applications filed before this Court under Section 439 of the Cr.P.C. for grant of regular bail to the applicants who have been arrested on 03-01-2018 in connection with aforesaid crime number and offence.
3. As per the prosecution case, one Sandeep Jain committed murder of his mother and father namely Surji Devi Jain and Rawalman Jain by gun shot for

the dispute existing in between them. During investigation applicant Bhagat Singh Gurudutta (applicant in MCRC No.3030/2018) given statement that applicant Shailendra Sagar (applicant in MCRC No.2973/2018) has supplied him the gun, which was purchased from him by the main accused Sandeep Jain.

4. Learned counsel for the applicants submits that the applicants have only been charged under Section 25(1-b)(a) of the Arms Act and main allegation of murder is against Sandeep Jain. Hence, the applicants may be enlarged on bail.

5. Per contra, learned State counsel opposes the prayer for grant of bail.

6. Perused the case diary, documents as also the charges framed.

7. Charges have been framed under Section 25(1-b)(a) of the Arms Act. Taking into consideration statement of the witnesses that the gun was purchased from applicant Bhagat Singh Gurudutta, which was procured by other applicant namely Shailendra Singh and nature of the evidence against the applicants, I am inclined to release these applicants on bail.

8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are hereby allowed.

9. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Vacation Judge