

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 991 of 2017

Pramod Kumar Singh S/o Rambachan Singh Aged About 38 Years Caste Kshatriya, Occupation Jail Guard, R/o Baikunthpur District Korla Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Baikunthpur District Korla Chhattisgarh

---- Respondent

Shri T.K.Tiwari, counsel for the applicant/s.

Shri Majid Ali, Dy.G.A. and Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/01/2018

Heard.

The applicant is apprehending his arrest in connection with Crime No.259/2017 registered at Police Station – Baikunthpur (CG) for alleged commission of offences under Section 25, 27 of Arms Act.

2. Case of the prosecution is that from the co-accused – Sanjay Yadav, a country made revolver was seized. The allegation is that Sanjay Yadav broke open the box belonging to the applicant and removed country made revolver from the said box. The applicant is working as Guard in the Jail at Baikunthpur. It is, therefore, alleged that the applicant had illegally kept in his possession, until stolen, country made revolver punishable under Section 25 and 27 of Arms Act.

3. Learned counsel for the applicant submits that the applicant is being falsely implicated. No seizure was made from his possession. It is further submitted that the allegation that four other Guards allowed Sanjay to broke open the box of the applicant and take away country made revolver, is highly improbable and it is a concocted story. He further submits that even at the advanced stage of investigation, the investigating authority has not recovered the material from the said box which would indicate that the box belonged to the applicant. The applicant is a Government

Servant and in the event of arrest and custody for more than 48 hours, the applicant may suffer suspension. It is also submitted that the co-accused Sanjay Yadav has already been granted regular bail. Therefore, in these circumstances, the applicant may be protected by granting anticipatory bail as he is not likely to abscond or tamper with the prosecution witnesses.

4. Learned State counsel opposes and submits that the other Guards have made statement that the box which was broken by co-accused Sanjay belonged to the applicant, took away country made revolver and it was later on seized from the co-accused Sanjay Yadav. Therefore, *prima facie* case is made out.

5. Having considered the submission of learned counsel for the parties, particularly taking into consideration that the seizure of the country made revolver is from the co-accused, no material has been placed in the case diary to identify the box with the present applicant and further taking into consideration the submission that the prosecution story that the Guard allowing one person to break open the box and take away the revolver is highly improbable, I am inclined to protect the applicant by granting anticipatory bail.

6. Accordingly, this application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and he shall abide by all the following terms and conditions -

(i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;

(ii) that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer.

(iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the applicant shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge

