

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7385 of 2018

Gopal Sahu @ Raju Sahu, S/o. Makhan Sahu, Aged About 42 Years, R/o. Subhash Nagar, Near Devki Udaynki, Purani Basti Raipur, District - Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station - Purani Basti Raipur, District - Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mrs. Fouzia Mirza, Advocate

For Respondent : Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29.10.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.213/2018 registered at Police Station- Purani Basti, District Raipur (C.G.) for the offence punishable under Section 25 of the Arms Act.
2. As per the prosecution case, on 03.09.2018 an information received that the present applicant is trying to sell a 12 Bore Gun along-with live Cartridge and when the applicant was apprehended, he was found along-with the Gun.
3. Learned counsel for the applicant submits that the Gun belongs to some Guard which fell from his possession and the applicant with all bonafide was trying to search the owner, therefore, no offence has been committed and, as such, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. Considering the facts & circumstances of the case and the fact that the applicant is in jail since 03.09.2018 and the offence is triable by the JMFC, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on 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/-
(Goutam Bhaduri)
Judge