

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.2231 of 2019**

Samar Dhruv, aged about 22 years, son of Shri Pushu Ram Dhruv, R/o village Tikariya, P.S. Dindory, District Dindory (MP), presently resided at Near Sai Nagar Tower, Mandir Hasaud, P.S. Mandir Hasaud, District Raipur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Civil Line, District Raipur (CG).

---- Non-applicant

For Applicant : Ms. Laxmeen Kashyap, Advocate.
For Non-applicant/State : Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

16.04.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.731/2018 registered in Police Station Civil Lines, Raipur, District Raipur for the offence punishable under Sections 399, 402 of Indian Penal Code and Section 25 of Arms Act.
3. Prosecution story in brief is that complainant Amit Ahuja resides at Shankar Nagar, Sector-1 HIG No.22. In the intervening night of 16/17.11.2018, seven unknown persons having country made pistols and knives had entered into the house of said complainant by jumping and tried to break the door and window of complainant's house. When they failed in their effort, they took the key of his car on which 'A' was written at the time of returning. On the memorandum of applicant, one country made pistol and three knives were seized from him.
4. Counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case hence he may be released on bail.
5. Counsel for the State opposed the bail application. However, he submitted that no criminal antecedent is reported against the applicant in police case diary.
6. It appears that the First Additional Sessions Judge, Raipur was unnecessary impressed with the confessional statement of memorandum of applicant and co-accused.
7. Looking to the above mentioned facts and circumstances of the case, the bail application is allowed. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- along with a personal bond in the sum of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail and he shall not commit any such type of offence in future.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-