

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4221 of 2019**

- Tarun Parganiha S/o Santosh Parganiha Aged About 38 Years R/o Shanti Nagar, Street No. 13, In Front Of Dashara Maidan, Supela Bhilai, Tahsil And Distrcit- Durg, Chhattisgarh. Mo. 90988881999.,

---- Applicant/Petitioner**Versus**

- State Of Chhattisgarh Through The District- Magistrate, Raipur, Chhattisgarh.,

---- Respondent

For Applicant	:	Shri Avinash Chand Sahu, Advocate
For Respondent/State	:	Shri Shakti Singh Thakur, P.L.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****02.08.2019**

1. The first bail application was earlier dismissed vide order dated 22.05.2019 for want of prosecution. This is second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the Cr.P.C.) for grant of regular bail to the applicant, who has been arrested on 06.03.2019 in connection with Crime No.133/2019 registered in Police Station Civil Lines Raipur (C.G.) for the offence punishable under Section 25 of the Arms Act.
2. Case of the prosecution is that on the basis of secret information that the applicant is in possession of one pistol and is roaming near Raja Talab, Raipur, the concerned Station House Officer made a search and during investigation, one country made pistol and one live magazine possessed by the applicant without any lawful authority, were seized from the possession

of the applicant. Based on this, the offence has been registered under Section 25 of the Arms Act.

3. Shri Avinash Chand Sahu, learned counsel for the applicant submits that the applicant has not committed any offence and has been falsely implicated in connection with the aforesaid crime. He submits further that the applicant is in jail since 06.03.2019 and the chargesheet has already been submitted on 27.04.2019, and therefore, he may be enlarged on bail.
4. On the other hand, Shri Shakti Singh Thakur, learned counsel for the State while opposing the bail application submits that the alleged weapon with one live magazine was recovered from the applicant and the same was possessed by him without any lawful authority and as such, the bail application as made by him deserves to be rejected.
5. I have heard learned counsel for the parties and perused the case diary carefully.
6. Taking into consideration the facts and circumstances of the case, further taking into consideration the nature and gravity of offence, role of the present applicant, considering the severity of punishment prescribed under Section 25 of the Arms Act, pre-trial detention of the applicant and the fact that the chargesheet has already been filed on 27.04.2019, this Court is of the opinion that the present is a fit case, in which, the applicant should be enlarged on regular bail.
7. The bail application filed under Section 439 of the Cr.P.C. is accordingly allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to

the satisfaction of the concerned trial Court, for his appearance before the said Court as and when directed.

Certified copy as per rules.

Sd/-

(Sanjay Agrawal)
Judge