

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4324 of 2019**

Gopal Pal @ Bangali S/o Bholanath Pal Aged About 25 Years R/o Nedar Manjhali Talab, Champa Police Station Champa, District Janjgir-Champa Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through District Magistrate District Janjgir -Champa Chhattisgarh.

---- Respondent

For the Applicant : Shri Ashutosh Mishra, Advocate.
For the Respondent/State : Shri Arijit Tiwari, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.08.2019**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.222 of 2019, registered at Police Station – Champa, District – Janjgir-Champa, Chhattisgarh for the offence punishable under Section 25 of the Arms Act.

2. Learned counsel for the applicant submits that the applicant is in jail since 12.6.2019 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The applicant has not committed any offence. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that this applicant has criminal history of having been prosecuted under Section 4A of the Gambling Act, under Section 36(1) of the Excise Act, under Sections 294, 506 and 324 of the IPC and also having been proceeded under the provisions of Cr.P.C. of preventive nature. Hence, for these reasons, the applicant is not entitled for grant of bail.

4. In reply, it is submitted by counsel for the applicant that all the previous cases against the applicant have been concluded except one case i.e. under Section 36(1) of the Excise Act is pending in which he is on bail.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, on the date of incident, this applicant was brandishing sword which is a prohibited weapon to be possessed without license. Hence, this case.

7. After due consideration on all the material present in the case-diary, I feel inclined to grant bail to the applicant in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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 as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge