

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1071 of 2019**

Dhiraj Singh Dev, S/o. Shri Nirmod Singh Dev, Aged About 36 Years, R/o. Tagarmahari, P.S. Balrampur, District- Balrampur, Ramanujganj, Chhattisgarh. Presently Resident of Balrampur, P.S. Balrampur, District- Balrampur, Chhattisgarh.

----Applicant**Versus**

State of Chhattisgarh, Through : Police Station : Balrampur, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Surendra Singh, Sr. Advocate with Mr. Maneesh Sharma and Pragalbha Sharma, Advocates
For Respondent/State	: Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****09/08/2019**

1. Apprehending arrest in connection with Crime No.115/2019, registered at Police Station – Balrampur, District – Balrampur-Ramanujganj (C.G.) for offence punishable under Section 468, 471 of the Indian Penal Code and Section 25 (1A), 25 (1AA), 25 (1) (A) of the Arms Act, 1959, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant regarding commission of offence as alleged. The applicant has obtained the license through a arms dealer. The license dated 13.03.2009 was issued to him by State of Jammu & Kashmir. The Date in the license got extended and the applicant purchased a pistol from Indian Ordinance Factory on 09.02.2018, regarding which he sent intimation to the licensing

authority. Later on, when the elections came, he deposited the pistol in the police station and also license along with copy of the license granted to him. However, the police has got verified the license, which has been found to be fake. The applicant was never conversant with the facts that this license was fake and he is not the person, who has forged it. Therefore, at the most, he may be charged with offence under Section 471 of Indian Penal Code, which is a bailable offence. Secondly, the fire arm in his possession is not under the prohibited category as it is defined under 2 (1) of Arms Act. As the same has been purchased from Government Ordinance Factory, therefore, no case is made out for possession of prohibited arms under 25 (1A), 25 (1AA) of the Arms Act, 1959. Therefore, it is prayed that the applicant may be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that license of the applicant was found fake on verification. The applicant has a previous history of criminal antecedents, therefore, he is not entitled for grant of anticipatory bail.
4. In reply, it is submitted that the applicant had faith that he is holder of valid license and he has himself filed a private complaint against the arms dealer Mohammad Muslim alleging that accused in that case provided him a fake license, therefore, any of the non-bailable offence is not made out against the applicant.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.

6. According to the prosecution case, the applicant submitted his arms license for verification in the Police Station – Balrampur, which was found fake on verification, therefore, the offence have been registered against him, regarding forging a fake license and making use of the same as genuine and also regarding possession of fire arms without appropriate license.
7. Considered the submissions made and the contents of the case diary. After considering on the material present in the case diary and for the reason that the applicant has himself come forward for verification of the arms license granted to him, further for the reason that fire arm is in his possession is not a arm under prohibited category, hence for this reason this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant 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/her 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/-
(Rajendra Chandra Singh Samant)
Judge

Balram