

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1105 of 2019**

Satya Prakash Mishra S/o Late Shri Tribhuvan Mishra Aged About 24 Years
R/o House No. M - 327, Pump House Colony, Tehsil And District - Korba
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Outpost Manikpur -
Police Station Kotwali, District Korba Chhattisgarh.

---- Respondent

For the Applicant : Shri Arjit Tiwari, Advocate.
For the Respondent/State : Shri Jitendra Shukla, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.09.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 150 of 2019, registered at Police Station – Kotwali, District – Korba, Chhattisgarh for the offences punishable under Section 25 of the Arms Act, 1959.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The only material present against the applicant is the memorandum statement given by the co-accused which is not admissible under law. Hence, it is prayed that the applicant be benefited

with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

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

6. One co-accused – Abhishek Sharma has been apprehended who was in possession of one Mauser Pistol which was seized by the police. Thereafter, co-accused – Abhishek Sharma has given the statement that he has procured the said pistol from this applicant.

7. As it appears that the material for prosecution against this applicant is only the memorandum statement of the co-accused person, therefore, I feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is allowed and 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge