

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7891 of 2019**

- Sheikh Kasim S/o Sheikh Maula Ali Aged About 34 Years R/o Near Masjid, Chuna Bhatti, Raipur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Azad Chowk District Raipur Chhattisgarh.

---- Respondent

For Applicant	:	Shri C.R. Sahu, Advocate
For Respondent	:	Shri Akhtar Hussain, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****22/01/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.312/2019, registered at Police Station - Azad Chowk, Raipur, Civil and Revenue District Raipur (C.G.) for the offence punishable under Section 25 of Arms Act and Section 34 IPC.
2. The prosecution story, in brief, is that police of Police Station Azad Chowk, Raipur, received a secret information that some persons are in illegal possession of pistol and are standing near Mangalam Bhawan, Agrasen Chowk. Acting on the said tip-off, the police personnel intercepted the accused persons and seized one country made pistol from accused Gurujot Singh and one live cartridge from the present applicant. No valid documents were produced by the applicant regarding possession of pistol and live cartridge. Based on this, offence has been registered. The present applicant has been taken into custody on 16.10.2019.
3. Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the case. He further submits that the seizure has been made from an open place and there is no incriminating material against the present applicant to prove his involvement. He also submits that the applicant is in custody since 16.10.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application. Learned State counsel submits that the applicant has as many as 8 criminal antecedents.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case and further considering the fact that the applicant is in custody since 16.10.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge