

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1129 of 2021

1. Neeraj Sonkar S/o Mahendra Sonkar, Aged About 28 Years, R/o Chhirrapara, Bhathagaon, Purani Basti, P.S. Purani Basti, District Raipur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station (C.G.).

---- Non-Applicant

For Applicant	: Mr. C.R. Sahu, Advocate.
For Non-Applicant/State	: Mr. V.K. Agrawal, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

06/04/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 02/12/2020 in connection with Crime No. 343/2020 registered at Police Station Purani Basti, Raipur, District Raipur (C.G.) for the offence under Section 25 of the Arms Act.
- 2) Case of the prosecution, in brief, is that upon receipt of information that the applicant is illegally carrying country made pistol, on 02/12/2020 the Police party apprehended the accused applicant and seized one 315 bore country made pistol with empty cartridge from him, for which the applicant could not produce any documents.
- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He further submits that the applicant has been arrested on 02/12/2020 and conclusion of trial is likely to take some time for its disposal.

Therefore, the applicant deserve to be released on bail.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. He further submits that as many as 09 criminal antecedents against the applicant registered at Police Station Purani Basti, District Raipur (C.G.) out of which 3 are under Section 25 & 27 of the Arms Act of the year 2018, 2019 and 2020.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the detention period of the applicant who is 28 years old, the fact that only one country made pistol has been seized from him, charge sheet has already been filed, and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, and the trial is likely to take some time for disposal, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of applicant executing a personal bond for a sum of **Rs. 1,00,000/-** with **two** sureties of Rs. 50,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on the following conditions:-
 - i. he 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 from disclosing such fact to the Court,
 - ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - iv. he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Court.

Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant