

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**(Proceedings through Video Conferencing)**

**M.Cr.C. No. 1281 of 2021**

- Tikeshwar Chandrakar AKA Pintu S/o Sevaram Chandrakar, Age 36 years, R/o Sheetla Para, Sirsakala, Bhilai-03, P.S. Purani Bhilai, District Durg (C.G.)

**---- Applicant**

**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station P.S. Purani Bhilai, District Durg (C.G.)

**---- State/Non-Applicant**

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For Applicant : Shri Aman Pandey, Advocate

For Non-Applicant/State : Shri C.B. Kesharwani, Panel Lawyer

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**Hon'ble Shri Justice Gautam Chourdiya, J**

**Order on Board**

**01.07.2021**

1. Heard.
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 21.07.2020 in connection with Crime No. 209/2020 registered in Police Station- Purani Bhilai, District Durg (CG) for the offence punishable under Sections 25 & 27 of the Arms Act.
3. Prosecution case in brief is that police of Police Station Purani Bhilai received information from the informant that the present applicant is waiting near Kali Mashan Mandir for selling of pistol and live cartridge. On the basis of such information, the police reached the spot, searched him and he was found in illegal possession of pistol and live cartridge.
4. Learned counsel of the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, charge-sheet has already been filed and due to Covid-19 pandemic trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

5. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application, however, he submits that the applicant has only one criminal antecedents which is of the year 2017 under Section 457 of IPC.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the allegation made against the present applicant, the detention period of the applicant who is 36 years old and the fact that the applicant has only one criminal antecedent of the year 2017 under the IPC, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and charge-sheet has already been filed, due to covid-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
7. 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 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/her 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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
  - v. he shall not involve himself in any offence of similar nature in future.
8. 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 nature of offence.

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