

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7258 of 2020

1. Naveen Nirmalkar S/o Shri Busaru Ram Nirmalkar, Aged About 27 Years, R/o Tifra, Vidyut Nagar, Police Station Sirgitti, District Bilaspur (C.G.).

---- Applicant

Versus

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

---- Non-applicant

For Applicant	:	Mr. Amit Kumar Advocate.
For Non-Applicant/State	:	Ms. Shobha Shrivastava, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

10/03/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No. 385/2020, registered at Police Station Sirgitti, District Bilaspur (C.G.) for the offence punishable under Sections 25 & 27 of the Arms Act.
- 2) Case of the prosecution, in brief, is that the on 21/08/2020 Assistant Sub Inspector Gulab Chand Patel, Police Station Sirgitti was on patrolling with the staff at Tifra, Sirgitti. At that time he received secret information that one person is intimidating the people of vicinity near Shani Mandir, Tifra by brandishing an iron Chapad. The Police party reached the spot and apprehended the accused applicant with the said weapon, which he was holding without any valid document in this regard. On the basis of the above, offence under Section 25 and 27 of the Arms Act has been registered against the applicant.

- 3) Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant is in jail since 22/08/2020, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, the present applicant be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application and submits that the applicant was earlier convicted for the offence under Sections 302, 307, 147, 148 & 149 of IPC and under Section 5 of SCST Act. He further submits that offence under Section 294, 506/34 of IPC has also been registered against the applicant under Crime No. 366/2020 at Police Station Sirgitti.
- 5) I have heard the learned counsel appearing for the parties and perused the case diary.
- 6) Considering the facts and circumstances of the case, the fact that the applicant is a convict under Section 302 of IPC, another offence under Section 294, 506/34 of IPC is also registered against him under Crime No. 366/2020 and that the present crime has been allegedly committed by him while on parole, therefore, without commenting anything on merits of the case, this Court is not inclined to release the applicant on bail. Accordingly, the application is **rejected**.

-Sd/-
(Gautam Chourdiya)
Judge