

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9052 of 2020**

- Gend Singh, S/o Jyoti Singh Gabel, aged about 42 Years, R/o Village Chikharouda, P.S. Jaijaipur Kotwali Tehsil and District Janjgir Champa Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through S.H.O. P.S. Sakti, District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant	Mr. Pramod Verma, Senior Advocate with Mr. Virendra Verma, Advocate.
For State	Dr. (Ms.) Veena Nair, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

13/01/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of bail as he has been arrested in connection with Crime No.380/2020, registered at Police Station – Sakti, District Janjgir-Champa, C.G. for the offence punishable under Sections 392,34 of Indian Penal Code and under Sections 25 and 27 of the Arms Act.
2. Case of the prosecution is that on 26.10.2020 co-accused persons namely Ajay Gabel and Sandeep Pradhan were threatening the public near Vishnu Petrol Pump, Sakti by showing country made pistol and knife. During investigation, as per the statements of the witnesses loot was committed by the

co-accused persons. On the memorandum of the applicant, two live cartridges were seized from his house and except that there is no other allegation against the applicant.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant is in jail since 26.10.2020, charge sheet has already been filed, nothing is required to be seized from the applicant and conclusion of the trial is likely to take some time. He further submits that applicant has no criminal antecedent. Therefore, the appellant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the detention period of the applicant, that only two live cartridges are said to have been seized from the possession of the applicant on his memorandum, no other allegation made against the present applicant, as per the statements of the witnesses loot was committed by co-accused persons against whom *Dehati Nalishi* was initially registered, the applicant has no criminal antecedent as admitted by both the counsels and that conclusion of trial may take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for

grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- 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.

Sd/-
Gautam Chourdiya
Judge

Akhilesh