

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9193 of 2020

- Ramesh Mahanand S/o Late Kalaram Mahanand, Aged About 40 Years R/o Near Bajrang Mandir, Shaktinagar, Police Station Pandri (Mova), Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through - Station House Officer, Police Station Pandri (Mova), District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

--Non-Applicant

For Applicant	: Shri Pawan Kumar Kashyap, Advocate
For Non-Applicant/State	: Shri Dinesh Tiwari, Dy.G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

28.01.2021

1. Heard.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 11.11.2020 in connection with Crime No.83/2020(wrongly mentioned as 183/2020 in the impugned order of the court below), registered at Police Station- Pandri (Mova), District-Raipur(C.G.) for the offence punishable under Section 25 of the Arms Act.
3. Case of the prosecution is that on 11.11.2020, the applicant was found in possession of one Deshi Katta one cartridge and one box of cartridge without any licence and authority.
4. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated, he is falsely implicated in the case. He submits that the seizure has been made from an open place. He submits that the applicant is in jail

since 11.11.2020 and conclusion of trial is likely to take some time, therefore, at this stage, he may be granted bail.

5. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that the applicant was found in illegal possession of one Deshi Katta and live cartridge. However, he accepts that there is no criminal antecedent against the applicant.
6. Having heard learned counsel for the parties, having considered the facts and circumstances of the case and the nature of allegations raised against the applicant; the detention period of the applicant and as admitted by both the counsel there is no criminal antecedent against the applicant, I am inclined to grant bail to the applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of the 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 following conditions:-
 - (a) 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.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (d) he shall not involve himself in any offence of similar nature in future.

Sd/
(Gautam Chourdiya)
Judge