

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9430 of 2020

- Amit Sharma S/o Prahlad Sharma Aged About 35 Years R/o Sundar Nagar, Raipur , Tahsil And District Raipur Chhattisgarh. **---- Applicant**

Versus

- State Of Chhattisgarh Through S.H.O. D.D. Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-Applicant/State

For Applicant	:	Shri Ravindra Sharma, Advocate
For Non-Applicant/State	:	Shri Hari Om Rai, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

02.02.2021

1. 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 02.12.2020 in connection with Crime No.478/2020, at Police Station- D.D. Nagar, District- Raipur (C.G.) for the offence punishable under Section 25 of Arms Act.
2. Prosecution story in brief is that on 02.12.2020 upon secret information from the informant Police Station, DD Nagar made search in House No. 768 of the applicant, from his possession country made pistol with magazine and one live Cartridge were seized by the police and the applicant could not show valid documents/license for possession of the same.

3. 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 police has failed to produce the report that the pistol is in working condition, the applicant has no criminal antecedents and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.
4. On the other hand, learned State Counsel opposes prayer for grant of bail. He further submits that the applicant has no criminal antecedents.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, detention period of the applicant, the fact that the present applicant has no criminal antecedents as admitted by both the counsel, he is first offender and conclusion of the trial is likely to take some time, therefore, the application is allowed.
6. 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

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

Nadim