

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 69 of 2021

1. Nishantdatt Choubey, S/o Vishaldatt Choubey, Aged About 22 Years, R/o Ward No. 02, Ramanujganj, Police Station Ramanujganj, District Balrampur- Ramanujganj, Chhattisgarh.
 2. Nitantdatt Choubey, S/o Vishaldatt Choubey, Aged About 20 Years, R/o Ward No. 02, Ramanujganj, Police Station Ramanujganj, District- Balrampur Ramanujganj, Chhattisgarh.
- Applicants**

Versus

- State Of Chhattisgarh Through Police Station Ramanujganj, District- Balrampur Ramanujganj, Chhattisgarh.
- Non-applicant/State**

For Applicants : Shri Amarnath Pandey, Advocate
For Non-applicant/State : Shri C.B. Kesharwani, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

09.02.2021

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 applicants, who have been arrested on 15.12.2020 in connection with Crime No. 261/2020 at Police Station- Ramanujganj, District- Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 25, 27/34 of the Arms Act.
2. Case of the prosecution, in brief, is that on 15.12.2020 at about 7:00 p.m. near Choupati and in front of Government

quarter of District Court Ramanujganj which is a public place, the present applicants were brandishing sharp weapon- sword, without valid license, in violation of Government's notification and creating nuisance. On complaint being made, police registered case against the applicants under crime no. 261/2020 and started investigation, during investigation one iron sharp edged weapon was seized from the possession of the applicant No.1 and one Sharpe edged weapon was seized from applicant No.2.

3. Learned counsel for the applicants submits that the allegations against the applicants are false and fabricated, they are falsely implicated in the case. He submits that charge-sheet has already been filed, present case does not fall under the Arms Act because seized weapons are less than two inch of prescribed width under the Government's notification, they are in jail since 15.12.2020, they have only one criminal antecedents, conclusion of the trial is likely to take some time, therefore, at this stage, they may be granted bail.
4. On the other hand, learned State Counsel opposes prayer for grant of bail and submits that prima-facie case is made out against the applicants because they have violated Government's notification, brandishing sharp weapon at public place. However, the applicants have one criminal antecedents under Section 294, 506 B, 323, 341, 34 of IPC registered as Crime No. 142/2019
5. Considering the facts and circumstances of the case, particularly taking into consideration the nature of allegation, detention period of the applicants, the fact that the present

applicants have only one criminal antecedents as admitted by both the counsel, looking to the age of the applicants young 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 each of the applicants 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, they shall be released on bail on the following conditions:-

- a) they 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 them from disclosing such fact to the Court.
- b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- d) they shall not involve themselves 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 applicants involving themselves in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge