

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MISC. CR. CASE NO. 3289 OF 2015**

Dhananjay Patel, son of Jagmohan Patel, aged about 27 years, resident of village Dhurkot, P.S. Dabhra, Tahsil Dabhra, Civil and Revenue Janjgir Champa (C.G.)

---Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Dabhra, District Janjgir-Champa (Chhattisgarh)

---Non-applicant_

MISC. CR. CASE NO. 3290 OF 2015

1. Nandkumar @ Nandu, son of Yadram Rana, aged about 20 years,
 2. Dilip Kumar, son of Dular Sidar, aged about 19 years,
- Both are resident of village Kekrabhat, P.S. Dabhra, Tahsil Dabhra, Civil and Revenue Janjgir Champa (C.G.)

---Applicants

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Dabhra, District Janjgir-Champa (Chhattisgarh)

---Non-applicant_

M.Cr.C.No. 3352 OF 2015

Yad Ram Son of Santosh Chandra, Age 25 years, Occupation Agriculture, R/o Dhobanipali, P.S. & Tahsil Dabhara, District Janjgir Champa (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through The Station House Office, P.S. Dabhara, District Janjgir-Champa (C.G.)

---Non-applicant

AND

M.CR.C.NO. 3427 OF 2015

Dev Kumar S/o Shri Suraj Sai Khadiya, Aged about 27 years, R/o Village Dhebinpali P.S. Dabhra Distt. Janjgir-Champa (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through Police Station Dabhra, Distt. Janjgir-Champa (C.G.)

---Non-applicant

For Applicants	: Mr. Kamal Kishore Patel, Advocate in M.Cr.C.Nos. 3289/2015 & 3290/2015.
For Applicant	: Mr. Yogesh Chandra, Advocate in M.Cr.C.No. 3352/2015
For Applicant	: Mr. Dheerendra Pandey, Advocate in M.Cr.C. No. 3427/2015
For Non-applicant:	Mr. O.P. Sahu, Govt. Advocate and Mr. S.R.J. Jaiswal, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

29/07/2015

1. Above mentioned four bail applications arise out of a common Crime No. 329/2014, registered at Police Station Dabhra, Civil and Revenue District Janjgir-Champa (C.G.), for the offence punishable under Sections 395, 436, 435, 147, 148, 149, 427, 412 of the Indian Penal Code, therefore, they are being heard analogously and decided by this common order. All the four are first bail applications filed under Section 439 of the Cr.P.C.

2. Case of the prosecution, in brief, is that, present applicants along with other co-accused persons committed dacoity in the premises of R.K.M. Powergen Private Limited (Power Plant) and also damaged the property worth Rs. 90 Crores and, thereby committed the aforesaid offences.

3. Mr. Kamal Kishore Patel, Mr. Yogesh Chandra and Mr. Dheerendra Pandey, learned counsel appearing for the respective applicants would submit that the present applicants are contractors in the R.K.M. Powergen

Private Limited (Power Plant) and as such, they are known to company, therefore, they have falsely been implicated in the crime in question. They would further submit that charge sheet has been filed and applicants are in jail since 22/10/2014, 07/11/2014, 29/03/2015, 30/03/2015 respectively. They also submits that application of co-accused persons namely Chhotelal & Tejlal was rejected by this Court in M.Cr.C. No. 6051/14 and thereafter in S.L.P. (Cri.) Nos. 4266, 4267 & 4268 of 2015 with Criminal Misc. Petition Nos. 8773, 8776 & 8779 of 2015, the Supreme Court on India has granted interim bail to them by order dated 13th May, 2015 and the case of the present applicants are identical to the above-mentioned co-accused persons, who have been granted bail by the Supreme Court of India and, therefore, the applicants may be released on bail on the ground of parity.

4. On the other hand, learned counsel for the State, after verifying the records, would submit that present case is similar to that of accused persons namely Chhotelal & Tejlal, who have already been granted bail by Hon'ble Supreme Court in Criminal Misc. Petition Nos. 8773, 8776 & 8779 of 2015 on 13th May, 2015. He would further submit that iron rod has been seized from the possession of applicant- Yad Ram.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into account that similarly situated co-accused persons have already been granted interim bail by the Supreme Court of India and considering their detention period; this Court is of the opinion that present is the fit case, in which, the applicants should be enlarged on bail. Accordingly, the bail applications are allowed.

7. Accused/applicants namely, Dhananjay Patel, Nandkumar @ Nandu, Dilip Kumar, Yad Ram and Dev Kumar are directed to be released on bail on each of them executing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

8. Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

Tiwari