

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4450 OF 2015**

1. Riyaz Memon, S/o Mohammad Haneef, aged about 28 years, R/o Purani Basti Korba, P.S. Kotwali, Korba, Tahsil and Civil and Revenue District Korba (C.G.)
2. Sohel Khan S/o Abdul Karim aged about 19 years R/o Near Chitra Talkies, Purani Basti, P.S. Kotwali, Korba, Tahsil and Civil and Revenue District Korba (C.G.)
3. Mohammad Anis Memon S/o Abdul Rahim aged about 28 years R/o Rani Road Korba, P.S. Kotwali, Korba, Tahsil and Civil and Revenue District Korba (C.G.)

---Applicants

Versus

State of Chhattisgarh, through Station House Officer, Out Post Rampur,
Police Station Kotwali, District Korba (C.G.)

---Non-applicant

For Applicants	:	Mr. Awadh Tripathi, Advocate
For Non-applicant	:	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****31/08/2015**

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 in connection with Crime No. 257/2015, registered at Police Station Out Post Rampur, Kotwali, District Korba (C.G.), for the offence punishable under Sections 147, 148, 149, 323, 365 of the IPC.
2. Case of the prosecution, in brief, is that, on 17/06/2015, applicants and one other co-accused person are said to have kidnapped Ritesh Shah with intent to confine him wrongfully and also assaulted him, by which, he

suffered grievous injuries.

3. Learned counsel for the applicants submit that other co-accused person has played the similar role as that of the present applicants and other co-accused person namely Mohammad Aslam Memon has already granted regular bail by this Court vide order dated 03/08/2015 passed in M.Cr.C. No. 3605/2015 and the role played by the present applicants are identical to that of the other co-accused person. Therefore, the present applicants may also be released on regular bail on the ground of parity.

4. On the other hand, learned counsel for the State submits that case of the present applicants is identical to other co-accused person, who has granted bail by this Court vide order dated 03/08/2015 passed in M.Cr.C. No. 3605/2015.

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

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of the offence; role of the present applicants in the crime in question; applicants are languishing in jail since 18/06/2015; substantial investigation has already been made and particularly considering the order passed by this Court on 03/08/2015 in M.Cr.C. No. 3605/2015 granting regular bail to the other accused person, this Court is of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.

7. According, bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicants, namely, Riyaz Memon, Sohail Khan

and Mohammad Anis Memon, shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each 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.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari