

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4514 of 2015**

- Prakash Tiwari, S/o Shri Arjun Prasad Tiwari, aged about 21 years, R/o Itwari Bazar Korba, P.S.-Korba, Tahsil & Civil & Revenue District Korba (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Out post-Rampur, Police Station – Kotwali, Distt. Korba (C.G.)

---- Non-applicant

For Applicant:	Shri Wasim Miyan, Advocate.
For Respondent:	Shri SRJ Jaiswal, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****02/09/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 257/2015 registered at Police Station Out Post-Rampur, Kotwali, Distt. Korba for the offences punishable under Sections 147, 148, 149, 323, 365, 325 & 307 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 17.06.2015 applicant & three co-accused persons 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 appearing for the applicant would submit that the applicant is innocent person and he has falsely been implicated in the crime in question. He would further submit that co-accused person

namely Mohammad Aslam Memon has already been granted regular bail by this Court vide order dated 03.08.2015 in M.Cr.C. No. 3605/2015 and, therefore, the present applicant may also be entitled for 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 person, who has already been granted regular bail by this Court vide order dated 03.08.2015 in M.Cr.C. No. 3605/2015.

(5) Considering the totality of the facts, in particular the fact that co-accused person has already been granted regular bail by this Court vide order dated 03.08.2015 in M.Cr.C. No. 3605/20152; and the applicant is languishing in jail since 18.06.2015; and the substantial investigation has already been made; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant – Prakash Tiwari is directed to be released on bail on his 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. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-