

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6965 of 2015

Mohan S/o. Devideen Ganda, aged about 30 years, R/o. Village Barbaspur, Tahsil Podi Uroda, P.S. Katghora, Civil and Revenue District Korba (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through – the Station House Officer, P.S. Katghora, District Korba (C.G.)

---- Respondent

For Applicant : Mr. Ravindra Agrawal, Advocate

For Respondent : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 148/2015 registered at Police Station- Katghora, District – Korba (C.G.) for the offence punishable under Sections 379, 34 of IPC and section 3,5, of the Prevention of Damage to Public Property Act, 1984.
2. As per the prosecution case a report was made by Site incharge of Kalptaru Power Transmission Limited, Katghora that erection of transmission tower of electricity was being carried out on 31.05.2015 it was found that aluminum wire from tower No. 177A/0 to 178 A/0 quantified about 16 quintals was stolen by some unknown thieves. Thereafter, during investigation aluminum wire were recovered from the possession of the applicant and after investigation charge sheet has been filed.

3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits that the applicant is in jail since 23.11.2015. He further submits that that the other co-accused persons namely Raghubar, Ramesh and Pital Singh have already been granted bail by this High Court in M.Cr.C. No. 5845 of 2015 on 04.11.2015 and the present applicant may also be entitled for bail on the ground of parity.
4. Per contra State counsel opposes the prayer for grant of bail and do not dispute the fact and submits that the other co-accused persons have granted bail by this Court.
5. Having regard to the fact that the applicant is in jail since 23.11.2015 and also the fact that the similarly placed co-accused persons have already been enlarged on bail by this court in M. Cr.C. No 5845 of 2015 on 04.11.2015, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge