

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4568 OF 2015**

Mohammad Safique S/o Mohammad Aslam, aged about 20 years, R/o Purani Basti, Korba, P.S. Kotwali, 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	:	Ms. Indira Tripathi, Advocate
For Non-applicant	:	Mr. S.R.J. Jaiswal, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****07/09/2015**

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 applicant, who has been arrested in connection with Crime No. 257/2015 registered at Police Station Out Post Rampur, Kotwali, Distt. Korba (C.G.), for the offence punishable under Sections 147, 148, 149, 323, 365, 325, 307 of I.P.C.

2. Case of the prosecution, in brief, is that, on 17/06/2015 applicant and three other 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 for the applicant submits that other co-accused person has played the similar role as that of the present applicant 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 applicant is identical to that of the other co-accused person. Therefore, the present applicant 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 applicant 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; looking to the nature and gravity of the offence; role of the present applicant in the crime in question; pretrial detention; substantial investigation has already been made and also 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 applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is ordered that the applicant shall be released on bail on his furnishing a personal bond of **Rs.25,000/-** along with one surety of the like amount 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.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE