

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5967 of 2015

Suresh Barle, S/o. Late Sampat Barle (Father name is wrongly mentioned in arrest memo as Ishwar Barle), Aged About 38 Years, R/o. Bade Ragra Para, Indauri, Chauki - Dashrangpur, Thana Pipariya, Distt. Kabeerdham, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate, Thana Pipariya, Distt. Kabeerdham, Chhattisgarh

---- Respondent

For Applicant : Mr. Samir Singh, Advocate

For Respondent : Mr. Ramakant Mishra, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/11/2015

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.11/2015 registered at Police Station- Pipariya, District Kabeerdham (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 406/34 of Indian Penal Code.
2. Case of the prosecution is that the applicant got the property of complainant Ishwar and recorded in his name proclaiming that Ishwar is dead and thereby committed aforesaid offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in this case. It is further submitted that the similarly placed co-accused namely Manoj Prasad Barle, Ashok, Sanju & Sukhbai have been enlarged on bail by the co-ordinate Bench of this Court.; therefore, the present applicant may also be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail. However, he do not oppose the fact that the similarly placed co-accused have been enlarged on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into account the order dated 13.10.2015 passed in M.Cr.C. No.5503/2015 and order dated 15.10.2015 passed in M.Cr.C. No.5639/2015 whereby the similarly placed co-accused have been enlarged on bail, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge