

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5179 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.)
4. Aslam Memon S/o Ashraf Memon aged about 23 years R/o Main Road Korba, P.S. 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	:	Ms. Indira Tripathi, Advocate
For Non-applicant	:	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****28/09/2015**

1. This is second 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, 365, 323, 307, 34 of the IPC.
2. Applicants were enlarged on bail by this Court vide order dated 31/08/2015 & 03/08/2015 in M.Cr.C. Nos. 4450/2015 & 3605/2015 and

thereafter, offence under Section 307 of the IPC has been inserted on 15/09/2015 and on 17/09/2015, they were not allowed to furnish bail bonds and send to jail.

3. Learned counsel for the applicants submits that other co-accused person- Prakash Tiwari has played the similar role as that of the present applicants, who has already granted regular bail by this Court vide order dated 02/09/2015 passed in M.Cr.C. No. 4514/2015 and the role played by the present applicants is 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 would oppose the prayer for grant of bail.

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 offence, pretrial detention of the applicants; particularly, the fact that they have already granted bail by this Court on 31/08/2015 & 03/08/2015 in M.Cr.C. Nos. 4450/2015 & 3605/2015 and the order passed by this Court on 02/09/2015 in M.Cr.C. No. 4514/2015 granting regular bail to the other accused person- Prakash Tiwari, this Court is of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the second bail application filed under Section 439 of the Cr.P.C. is allowed. It is ordered that the applicants, namely, Riyaz Memon, Sohail Khan, Mohammad Anis Memon and Aslam Memon, shall be released on bail on their furnishing a personal bond of **Rs.25,000/-** each along with one

surety of the like amount to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every dated given to them by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari