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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5444 OF 2015**

Ram Khelawan son of Phulsai Pando aged about 50 years resident of village Sonhat Tokadand Para Police Station Raghunathnagar District Ramanujganj Balrampur (C.G.)

---Applicant

Versus

State of Chhattisgarh through Police Station Raghunathnagar District Ramanujganj Balrampur (C.G.)

---Non-applicant

And**M.Cr.C. No. 5454 OF 2015**

Ram Khelawan son of Phulsai Pando aged about 50 years resident of village Sonhat Tokadand Para Police Station Raghunathnagar District Ramanujganj Balrampur (C.G.)

---Applicant

Versus

State of Chhattisgarh through Police Station Raghunathnagar District Ramanujganj Balrampur (C.G.)

---Non-applicant

For Applicant : Mr. A.K. Yadav, Advocate
 For Non-applicant: Mr. Neeraj Kumar Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****12/10/2015**

1. Both applications under Section 439 of the Code of Criminal Procedure seeking grant of regular bail have been filed by the applicant who has been arrested in connection with Crime Nos. 115/2011 & 116/2011 registered at Police Station Raghunathnagar, District Ramanujganj

Balrampur.

2. Since both applications have been filed by the same applicant for the same offence punishable under Sections 395, 412 of the Indian Penal Code and Sections 25, 27 of the Arms Act in connection with the above crime numbers, they are being disposed of by this common order.

3. Case of the prosecution, in brief, is that the applicant along with other co-accused persons committed dacoity in the house of Nandlal Jaiswal and Arjun Sahu. The accused persons have looted grocery articles like mustered oil, Parle G Biscuits, Bidi, Soap etc. and cash of Rs.30,000/- and Rs.800/-.

4. Learned counsel for the applicant submits that other co-accused person Jitaru has played the similar role as that of the present applicant and other co-accused person has already granted regular bail by Co-ordinate Bench of this Court vide order dated 18/10/2012 passed in M.Cr.C. Nos. 3871/2012 & 3875/2012 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.

5. 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 Co-ordinate Bench of this Court vide order dated 18/10/2012 passed in M.Cr.C. Nos. 3871/2012 & 3875/2012.

6. I have heard the counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts and circumstances of the case particularly the order passed by Co-ordinate Bench of this Court on

18/10/2012 passed in M.Cr.C. Nos. 3871/2012 & 3875/2012 granting regular bail to the other accused person- Jitaru, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail applications (M. Cr. C. Nos. 5444/2015 & 5454/2015) filed under Section 439 of the Cr.P.C. are allowed. It is ordered that the applicant, namely, Ram Khelawan 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 said Court on each and every date fixed by the said Court in this behalf.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)

JUDGE

Tiwari