

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 189 of 2016

- Ashok Kumar Dugga S/o Ramprasad Dugga Aged About 29 Years R/o Village - Amakada, Police Station - Tadoki, District - North Bastar Kanker Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through : Station House Officer, Police Station - Antagarh, District - North Bastar Kanker Chhattisgarh --- **Respondent**

For the applicant	:	Mr. D. N. Prajapati, Advocate
For the Respondent	:	Mr. Anupam Dubey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.01.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 44 of 2015 registered at P.S. Antagarh, District North Bastar Kanker (C.G) for the offence punishable under Section 457 & 380 of IPC.
2. The prosecution case, in brief, is that in the intervening night of 2nd/3rd of Sept. 2015 when the complainant Jagatram Kodo was sleeping at his home, the applicant and other co-accused have entered into his house and stolen some silver and gold ornaments and cash of Rs.50,000/-. Subsequently, on the report of the complainant a case was registered against him and during the course of investigation, police has arrested some accused persons and they have confessed the offence.
3. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits that the charge sheet in this case has

been filed and the applicant is in jail since 14.09.2015. It is further submitted that similarly placed co-accused Santosh Gupta has been enlarged on bail by this Court in M.Cr.C.No. 6039/2015 on 30.11.2015, therefore, he may be released on bail.

4. Per contra, learned State Counsel opposes the bail application. However, on verification he do not dispute the fact that similarly placed co-accused has been released on bail.
5. Taking into the totality of the facts and circumstances and considering the nature of offence and the degree of allegations levelled against the applicant as also the fact that the charge sheet in this case has been filed and looking to the period of detention as he is stated to be in jail since 14.09.2015 and also the fact that similarly placed co-accused Santosh Gupta has been enlarged on bail by this Court in M.Cr.C.No.6039 of 2015, I am inclined to release him on bail. Accordingly, this application is allowed.
6. The applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He is directed to appear before the trial Court as and when directed by the said Court.
7. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE