

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.759 of 2016

Arun Chauhan, S/o Babu Lal Chauhan, aged about 35 years, R/o Village Uchchbhitthi, Police Station Kotra Road, Raigarh, Tahsil & District Raigarh (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Gharghoda, District Raigarh (C.G.)

---- Non-applicant

For Applicant:	Mr. Ashish Gupta, Advocate.
For Non-applicant:	Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

09/03/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.186/2015, registered at Police Station Gharghoda, Distt. Raigarh, for the offence punishable under Section 379 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that the applicant and other co-accused persons stolen cable drum worth Rs.9 lakhs from M/s. T.R.N. Power Plant Project on 8-7-2015 and thereby committed the offence.
3. Learned counsel for the applicant submits that four co-accused persons have been enlarged on bail by a coordinate Bench of this Court by order dated 18-1-2016 passed in M.Cr.C.Nos.7294/2015, 7737/2015, 7743/2015 and 7780/2015, and three other co-accused

have also been enlarged on bail whereas, bail application of another co-accused Dudh Narayan Sarthi namely M.Cr.C.No.5299/2015 has been rejected by this Court on 5-10-2015. The present applicant is in jail since 8-7-2015.

4. On the other hand, learned State counsel opposes the application and submits that case of the present applicant is similar to that of co-accused Dudh Narayan Sarthi whose bail application has been rejected by this Court
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the applicant, the fact that the applicant is in jail since 8-7-2015 and co-accused persons have been granted bail, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge