

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1293 OF 2016**

Paramanand Gond (wrongly mentioned in bail rejection order as Paramnand) S/o Karan Singh Gond aged about 22 years by caste Gond R/o Khalari P.S. Pali Tahsil Pali District Korba C.G.

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer,
Police Station Deepika District Korba C.G.

---Non-applicant**And****M.Cr.C. No. 1525 OF 2016**

Ramesh Kumar Khursenga S/o Budhwar Singh aged about 35 years caste Gond R/o Damia (Patel Para) Police Station Pali Tehsil Pali District Korba C.G.

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer,
Police Station Dipka District Korba C.G.

---Non-applicant

For Applicants	: Shri S.S. Baghel and Shri Vivek Tripathi, Advocates
For Non-applicant	: Shri Adhiraj Surana, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

17/03/2016

1. Above mentioned two bail applications arise out of a common Crime No. 120/2015, registered at Police Station Deepika, Distt. Korba (C.G.), for the offence punishable under Sections 394, 120-B of the I.P.C. and Sections 3 & 7 of the Essential Commodities Act, therefore, they are being heard analogously and decided by this common order. All the two are first bail applications filed under Section 439 of the Cr.P.C.

2. Case of the prosecution, in brief, is that, on 29/10/2015 applicants along with other co-accused has stolen 750 liters of diesel from SECL Gevra Mines, which was kept for the vehicle of SECL and thereby committed aforesaid offence.

3. Learned counsel for the applicants would submit that applicants have not committed any offence and have been falsely implicated in the offence in question. They

would further submit that co-accused persons have already been granted regular bail by coordinate Bench of this Court by order dated 16/02/2016 in M.Cr.C. No. 856 of 2016 and case of the present applicants are similar to them. They would lastly submit that charge sheet has been filed and applicants are in jail since 29/10/2015 & 26/11/2015 respectively, therefore, they may be released on bail.

4. Learned counsel for the State would oppose the prayer for grant of bail.

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

6. Taking into consideration the facts and circumstances of the case and further taking into consideration the nature and gravity of offence, role of the applicants; pretrial detention of the applicants; charge sheet has already been filed and particularly the fact that co-accused persons have already been enlarged on bail, 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 bail applications (M.Cr.C. Nos. 1293/2016 & 1525/2016) filed under Section 439 of the Code of Criminal Procedure are allowed.

8. It is directed that applicants namely, Paramanand Gond and Ramesh Kumar Khursenga shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE