

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2121 of 2016**

Dwarika Prasad Yadav, aged about 35 years, son of late Jayram Singh Yadav, resident of Village- Rani Bachhali, Post- Manjhwani, Police Station – Ratanpur, District- Bilaspur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, through the Station House Officer, Police Station – Ratanpur, District- Bilaspur C.G.)

---- Non-applicant

And**MCRC No. 2198 of 2016**

Chandrika Prasad Dubey, S/o Lakhanlal Dubey, Aged about 42 years, R/o Village Rani Bachhali, Police Station Ratanpur, Tahsil and District Bilaspur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, through Police Station – Ratanpur, District- Bilaspur C.G.)

---- Non-applicant

For Applicant:	Mr. Goutam Khetrapal, Advocate in M.Cr.C. No.2121/2016.
----------------	--

For Applicant:	Mr. Vijay K. Deshmukh, Advocate in M.Cr.C. No.2198/2016.
----------------	---

For Non-applicant/State:	Mr. Avinash Singh, Panel Lawyer
--------------------------	---------------------------------

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****03/05/2016**

Heard.

(1) Above mentioned two bail applications filed under Section 439 of the Code of Criminal Procedure arise out of a common Crime No. 293/2015, registered at Police Station Ratanpur, Tahsil & District Bilaspur, for the offence punishable under Sections 419, 420/34 of the Indian Penal Code, therefore, they are being heard analogously and decided by this Common order.

(2) Case of the prosecution, in brief, is that 200 quintal paddy was taken out from Seva Sahkari Samiti Maryadit, Bharari, Ratanpur to be uploaded on Durg Rice Mill, Bilha but the same was not uploaded therein and thereby embezzlement was committed by the present applicants and other co-accused persons.

(3) Learned counsel appearing for the applicants would submit that the applicants are innocent person and they have falsely been implicated in the crime in question. He would further submit that similarly situated co-accused person namely Pratap Singh Kashyap has already been granted bail by this Court vide order dated 10.03.2016 in M.Cr.C. No. 1156/2016, and the applicants are in jail since 19.01.2016 & 8.12.2015, respectively and, therefore, the present applicants may also be entitled for bail on the ground of parity.

(4) On the other hand, learned counsel for the State, after verifying the records, would submit that present case is similar to that of accused person namely Pratap Singh Kashyap, who has already been granted bail by this Court in M.Cr.C. No. 1156/2016.

(5) Taking into consideration the facts & circumstances of the case and particularly the fact that similarly situated co-accused person namely Pratap Singh Kashyap has already been granted bail by this Court vide order dated 10.03.2016 passed in M.Cr.C. No. 1156/2016; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-