

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2411 of 2016**

Akshay Kumar Gabel S/o. Shri Harilal Gabel aged about 22 years, R/o Village-Bakeli P. S. & Tahsil-Kharsiya, Civil & Revenue Distt.-Raigarh(C. G.)

---- Applicant

Versus

State Of Chhattisgarh Through: Station House Officer,
Police Station -Kharsiya, Distt. Raigarh (C.G.)

-----Non-applicant

For Applicant: Mr. Sumit Shrivastava, Advocate.
For Non-applicant/State: Mr. B. Gop Kumar, Dy. AG

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****30/05/2016**

Heard.

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 486/2015 registered at Police Station Kharsiya, Distt. Raigarh for the offence punishable under Section 381/34 of Indian Penal Code.

(2) Case of the prosecution, in brief, is that in between 15.08.2015 to 24.08.2015 the applicant along with his brother committed theft in the house of Satyanarayan Agrawal and stolen 48 bags of BAP fertilizer, Tullu Pump, mobile and cash of ₹ 50,000/-; thereby the offence has been registered.

(3) Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and only allegation against this applicant is that he was accompanied with his brother. He further submits that the fertilizer was seized from the open road and the Tullu Pump has also not been identified that of the complainant. He further submits that the charge sheet has been filed and the applicant is in jail since 16.12.2015 and similarly situated co-accused namely-Chandra Kumar has already been released on bail by the co-ordinate Bench of this Court in M.Cr.C. No. 7600/2015 decided on 14.01.2016 and therefore, he may also be released on bail on the ground of parity.

(4) Per contra, learned State counsel opposes the prayer for grant of bail.

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

(6) Taking into the facts and circumstances of the case and the degree of allegations and further considering the fact that the charge sheet has been filed and the applicant is in jail since 16.12.2015 and that the similarly situated co-accused Chandra Kumar has already been released on bail, I am inclined to release the applicant on bail.

(7) Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

(8) It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of ₹ 25,000/- with one

surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-

(Manindra Mohan Shrivastava)
Vacation Judge

D/-