

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5428 of 2016

1. Pallav Som S/O Late Sameer Som Aged About 45 Years R/O L I G 92, Hudco Bhilai, Tahsil & District Durg, Chhattisgarh.
2. Bhuneshwar Manwar @ Mangal Manwar S/O Late Kunj Bihari Manwar Aged About 54 Years R/O Deepak Nagar, Durg, Tahsil & District Durg, Chhattisgarh.
3. Sanjay Gupta S/O Bhaiyyalal Gupta Aged About 50 Years R/O Gavli Para, Durg, Tahsil & District Durg, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Mohan Nagar, District Durg, Chhattisgarh.

Respondent

For Applicants : Mr. Goutam Khetrapal, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19-09-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 27-06-2016 in connection with Crime No. 449 of 2015, registered at Police Station Mohan Nagar, District Durg (CG) for the offence punishable under Sections 395, 365, 294, 323 of the Arms Act.
2. Case of the prosecution, in brief, is that on 21-10-2015 at 11.45 pm., present applicants kidnapped Jitendra Singh and Banti and also looted the motor-cycle owned by Jitendra Singh and also abused him and caused simple injuries and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated, charge-sheet has been filed in this case, they are in jail since 27-06-2016 and no further investigation is required. He would further submit that the case of the present applicants is

similar to that of other co-accused persons who have been granted bail vide order dated 1-3-2016 passed by co-ordinate Bench of this Court in M.Cr.C.No. 664 of 2016, therefore, the applicant may also be released on bail on the ground of parity.

4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the case of the applicants is similar to the case of other co-accused persons who have been granted bail by co-ordinate Bench of this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicants and considering the fact that charge-sheet has been filed, the applicants are in jail since 27-06-2016 and further considering the fact that similarly placed other co-accused persons have been granted bail, I am inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju