

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5850 of 2016

- Deepak Yadav S/O Late Shri Shankerlal Yadav Aged About 31 Years R/O Santoshi Chowk, Kushalpur, Police Station Purani Basti, Raipur, District (Revenue & Civil) Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Tikrapara, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Yogesh Pandey, Advocate

For Respondent/State : Mrs. Shobha Kashyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27-09-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 19-6-2016 in connection with Crime No. 240 of 2016, registered at Police Station Tikrapara, District Raipur (CG) for the offence punishable under Sections 452, 294, 506, 323, 427, 34 of the IPC.
2. As per prosecution case, on 19-6-2016 the applicant along with other co-accused persons went to the Petrol Pump at about 1 a.m., and thereafter some altercation took place and the applicant forcefully entered into the cabin and assaulted the employees of the petrol pump and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated, charge-sheet has been filed in this case, he is in jail since 19-6-2016 and no further investigation is required. He would further submit that the case of

the present applicant is similar to that of other co-accused namely Ajay Shukla who has been granted bail vide order dated 24-08-2016 passed by this Court in M.Cr.C.No. 4878 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 applicant is similar to the case of co-accused who has been granted bail by 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 applicant and considering the fact that charge-sheet has been filed, the applicant is in jail since 19-6-2016 and further considering the fact that similarly placed co-accused has been granted 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 and it is directed that the applicant shall 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
Judge

Raju