

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5747 of 2016

- Onkar Shrivastava S/O Heeralal Shrivastava Aged About 27 Years R/O Nagoikhar Police Station Darri Revenue & Civil District Korba Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Darri, District Korba Chhattisgarh

---- Respondent

For Applicant : Mr. P.K. Tulsian, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26-09-2016

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 12-6-2016 in connection with Crime No. 64 of 2016, registered at Police Station Darri, District Korba (CG) for the offence punishable under Sections 380, 457/34 of the IPC.
2. As per prosecution case, on 12-6-2016 the applicant along with other co-accused has committed theft in the wine shop at Darri worth Rs.35,000/- and on the basis of CCTV footage, the applicant has been apprehended.
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 12-6-2016 and no further investigation is required. He would further submit that case of the present applicant is similar to that of other co-accused Subham Pandey @ Raja Pandey who has been granted bail vide order

dated 19-08-2016 passed by this Court in M.Cr.C.No.4686 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 12-6-2016 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