

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7021 of 2015**

- Pramod Tiwari @ Vikky, S/o Late Raju Tiwari, aged 29 years, R/o Soniya Nagar, Raigarh, Police Station City Kotwali, Raigarh, Civil & Revenue Distt. Raigarh, Distt. Raigarh (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through police Thana – City Kotwali, Raigarh, Distt. Raigarh (C.G.)

---- Respondent

For Applicant: Ms. Sharmila Singhai, Advocate.
For Respondent/State: Mr. Om. P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****14/01/2016**

Heard.

(1) The accused/applicant has moved this second bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 24/2015 registered at Police Station City Kotwali, Distt. Raigarh (C.G.) for the offences punishable under Sections 294, 506, 323 & 365/34 of the Indian Penal Code.

(2) The applicant's first bail application was dismissed as withdrawn on 12.10.2015 as on that day it was stated that six

criminal cases are pending against the application.

(3) Case of the prosecution, in brief, is that present applicants along with one other co-accused have abducted Jai Kumar Mishra on 08.01.2015 and wrongfully confined him and also caused simple hurt.

(4) Learned counsel appearing for the applicant would submit that six criminal cases pending against the applicant have already been decided, by which, in four criminal case, he has been acquitted whereas in two other criminal cases, he has been imposed with fine and sentenced till rising of the Court. She would further submit that applicant is languishing in jail since 11.08.2015; and other similarly situated co-accused namely Shyam Gorakh has already been released on bail by this Court in M.Cr.C. No.5419/2015 on 12.10.2015 and, therefore, the applicant may also be released on bail on the ground of parity.

(5) On the other hand, counsel for the State opposes the bail application.

(6) Taking into consideration the facts & circumstances of the case; further considering the facts that applicant is in jail since 11.08.2015; similarly situated co-accused has already been released on bail; and the fact that six criminal cases pending against the applicant have already been decided, by which, in four criminal case, he has been acquitted whereas in two other criminal cases, he has been imposed with fine and sentenced till

rising of the Court; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(7) 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/-