

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7680 of 2015

1. Rajesh, S/o. Bhurwa, Aged About 20 Years, Caste Gada, R/o. Barbaspur, Police Station- Katghora, Distt. Korba, Chhattisgarh
2. Tridev, S/o. Malik, Aged About 21 Years, Caste Gada, R/o. Barbaspur, P.S. Katghora, Distt. Korba, Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh, Through the Station House Officer, P.S. Katghora, District Korba (C.G.)

---- Respondent

For Applicant : Mr. Aditya Khare, Advocate

For Respondent : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/01/2016

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 in connection with Crime No. 148/2015 registered at Police Station- Katghora, District – Korba (C.G.) for the offence punishable under Sections 379, 34 of IPC and Section 3 & 5 of Damages to Public Property Act.
2. As per the prosecution case, a report was made by Site In-charge of Kalptaru Power Transmission Limited, Katghora that erection of transmission tower of electricity was being carried out on 31.05.2015, it was found that aluminum wire from tower No. 177A/0 to 178 A/0 quantified about 16 quintals was stolen by some unknown thieves. Thereafter, during investigation aluminum wire were recovered from the possession of the applicants and after investigation, charge sheet has been filed.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case and they are in jail since 09.11.2015. He further submits that the other co-accused persons namely Raghubar, Ramesh and Pital Singh have already been granted bail by this Court in M.Cr.C. No.5845 of 2015 on 04.11.2015 and Mohan has been granted bail in M.Cr.C. No.6965 of 2015 on 14.12.2015, therefore, the present applicant may also be entitled for bail on the ground of parity.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, after verification, he do not dispute the fact that the other similarly placed co-accused persons have been granted bail by this Court.
5. Having regard to the facts and circumstances of the case and the fact that the applicants are in jail since 09.11.2015 and further taking into consideration the fact that the similarly placed co-accused persons have already been enlarged on bail by this court in M.Cr.C.No 5845 of 2015 & M.Cr.C.No.6965 of 2015, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge