

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 417 of 2016

Rahul Agrawal, S/o Krishna Agrawal, aged about 20 years,
R/o Village-Jashpur Road, P.S. - Pathalgaon, Distt.
Jashpur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through: Station House Officer,
Police Station – Sitapur, Distt. Surguja (C.G.)

---- Non-applicant

For Applicant: Shri Awadh Tripathi, Advocate.
For Respondent/State: Shri Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

02/02/2016

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 254/2014 registered at Police Station Sitapur, Distt. Surguja for the offences punishable under Sections 379 & 411/34 of the Indian Penal Code and Sections 136, 137, 139 & 140 of Electricity Act and Section 3 & 2(a) of Public Property Damages Act.

(2) Case of the prosecution, in brief, is that on 26/27.10.2014, a report was made that the Transformer at village – Kunmeta Navapara, P.S. Sitapur, which was in operation was disconnected and the coil inside it was stolen away by the other co-accused and subsequently on the memorandum of the co-accused, it was informed that the said coil and copper was purchased by the applicant.

(3) Learned counsel appearing for the applicant would submit that the applicant is innocent person and he has falsely been implicated in the crime in question. He would further submit that similarly situated co-accused person namely Manoj Agrawal has already been granted bail by this Court vide order dated 12.01.2016 in M.Cr.C. No. 7273/2015, and the applicant is in jail since 23.09.2015 and, therefore, the present applicant may also be entitled for bail on the ground of parity.

(4) On the other hand, learned counsel for the State, after verifying the records, would submit that present case is similar to that of accused person namely Manoj Agrawal, who has already been granted bail by this Court in M.Cr.C. No. 7273/2015.

(5) Taking into consideration the facts & circumstances of the case and particularly the fact that similarly situated co-accused has already been granted bail by this Court vide order dated 12.01.2016 passed in M.Cr.C. No. 7273/2015; this court is of the view that it is a fit case to release the applicant on bail.

Accordingly, the application is allowed.

(6) 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/-