

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2888 of 2016

Gajendra Mourya, S/o Bhanupratap Mourya, Aged About 40 Years,
R/O. Mourya, Aata Chakki, Shanti Para, Camp 01, P.S. Chhawani
Bhilai, Tehsil Durg, Civil & Revenue District Durg, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Berla, Revenue
& Civil District Bemetara, Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Surfaraj Khan, Advocate
For Respondent/ State	:-	Mr. Law Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

15/06/2016

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 in connection with Crime No. 97/2015 registered at Police Station- Berla, District Bemetara (C.G.) for the offence punishable under Sections 379,411 and 414/34 of Indian Penal Code and section 136, 137, 139 of Electricity Act, 2003 and Section 3(2) (a) of the Prevention of Damage of Public Property Act, 1984.
2. Case of the prosecution in brief is that the applicant along with the other co-accused persons have committed theft of Electric angle of Rs. 62,400/- and they have been arrested on 10.07.2015.
3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case and he is in jail since 10.07.2015. He further submits that that the other co-accused

person namely Sohan Singh Singrol has already been granted bail by the coordinate bench of this High Court in M.Cr.C. No. 7568 of 2015 on 06.04.2016 and the present applicant may also be entitled for bail on the ground of parity.

4. Per contra State counsel opposes the prayer for grant of bail and do not dispute the fact and submits that the other co-accused person has been granted granted bail by the coordinate bench of this High Court.
5. Having regard to the fact that the applicant is in jail since 10.07.2015 and the charge-sheet has been filed, further taking into the fact that the similarly placed co-accused person has already been enlarged on bail by the coordinate bench of this court in M. Cr.C. No 7568 of 2015 on 06.04.2015, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge