

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 600 of 2016**

Gulshan, S/o Shri Khusi Ram Nishad, Aged about 19 years, R/o. Vilage – Mopka, P.S. Bhatapara (Rural), Baloda Bazar, District – Baloda Bazar-Bhatapara (C.G.)

---- Applicant

Versus

State Of Chhattisgarh: Through: Police Chouki-Karhi Bazar, P.S. City Kotwali, Baloda Bazar, District- Baloda Bazar-Bhatapara (C.G.)

-----Non-applicant

For Applicant: Mr. Vivek Kumar Agrawal, Advocate.
For Respondent/State: Mr. Adhiraj Surana, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****22/02/2016**

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. 346/2015 registered at Police Station Karhi Bazar, P.S. City Kotwali, Baloda Bazar, District Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Section 394 read with Section 34 of Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 4.10.2015 applicants & other three co-accused persons robbed complainant Gyaneshwar Dhritlahare and looted Rs. 2,000/- and other documents from him and thereby committed the aforesaid offences.

(3) Counsel for the applicants submits that the applicants have

been falsely implicated in the offence in question as there is no evidence on record connecting the applicants with the crime in question. He further submits that only Rs. 150/- has been recovered from the possession of the applicants; and the similarly situated co-accused – Omprakash has already been released on bail by the coordinate Bench of this Court in M.Cr.C. No.6882/2015 decided on 14.12.2015. He further submits that applicants are languishing in jail since 8.10.2015 and the charge sheet has already been filed and, therefore, the applicant is entitled to be released on bail on the ground of parity.

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

(5) Taking into consideration the facts & circumstances of the case; further considering the statement of complainant-Gyaneshwar Dhritlahre; his pre-trial detention and the charge sheet has already been filed; and the fact that co-accused has already been released on bail by the coordinate Bench of this Court; this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(6) Accused/applicant – Gulshan 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

