

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1164 of 2015

- Bharat Rathore S/o Vilkodar Rathore Aged About 41 Years
Occupation - Businessman, R/o Ganj Peeche, Kharsia Tahsil -
Kharsia, Civil & Revenue District - Raigarh Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through : - Station House Officer,
Police Station - Kharsia, District - Raigarh Chhattisgarh

---- Respondent

For the applicants : Mr. Saurabh Dangi, Advocate.

For the Respondent : Mr. Anil S. Pandey, Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03.02.2016

1. This is the second bail application seeking grant of anticipatory bail to the applicant in connection with Crime No. 87 of 2014 registered at Police Station Kharsia, District Raigarh (C.G) for the offences punishable under Sections 294, 452, 354, 323/34, 506 & 392 IPC.
2. The first bail application was dismissed by this Court vide order dated 15.05.2014 passed in M.CrC(A). No.336 of 2014.
3. As per the prosecution case, the applicant with others entered into the house of Arti Vaishnav and thereafter abused her and subsequently it was reported that they have snatched gold chain. It is case of the prosecution that previous animosity was existing between the two parties and for some reason or the other, two FIRs were lodged by the two parties against each other.
4. Learned counsel for the applicant submits that there is change of circumstances in this case as after passing the

rejection order in M.Cr.C(A). No.336/2014, one of the applicants namely Rajkapoor challenged the said order in SLP (Cri.) No.3644 of 2015 before the Supreme Court wherein Hon'ble the Supreme Court by order dated 09th December, 2015 has allowed the bail petition of co-accused Rajkapoor. He further submits that the allegations levelled against the second applicant Bharat Rathore are similar to that of other accused Rajkapoor who has been granted bail by the Supreme Court, therefore, this applicant may be enlarged on bail on the ground of parity.

5. Learned State Counsel do not object the fact that the allegations against this applicant are similar to that of co-accused Rajkapoor who has been enlarged on bail by the Supreme Court in SLP (Cri.). No.3644 of 2015.
6. Taking into fact that similarly placed co-accused Rajkapoor has been enlarged on bail by Hon'ble Supreme Court, I am inclined to enlarge this applicant on anticipatory bail.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant in connection with Crime No.87/2014 he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that he shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any police officer;

- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

Rao