

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7320 of 2015

Ramprasad Rawat S/o. Suklal Rawat, Aged about 40 years, R/o. Village Jhakkadpur, Thana and Tahsil Patthalgaon, Civil and Revenue District Jashpur (C.G.)

---- Applicant

Versus

The State of Chhattisgarh Through Police Station Pandri (Mowa), District Raipur Chhattisgarh.

---- Respondent

For Applicant	:-	Shri Sunil Sahu, Advocate
For Respondent/ State	:-	Shri S.R.J, Jaiswal, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

04/01/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 149/2014 registered at Police Station- Kapu, District Raigarh (C.G.) for the offence punishable under Sections 458, 170, 342, 395, 398, 120-B of Indian Penal Code and section 25, 27 of the Arms Act.
2. Case of the prosecution, in brief, is that on 07.12.2014, the complainant along with co-accused entered into the house of Budhram and pretended that they are police Officers and on the pretext, they committed dacoity. Subsequently, on investigation being made, the applicant has been arrested.
3. Counsel for the applicant submit that the applicant is innocent and he has been falsely implicated in this case. He further submits that the is arrested only on the basis of memorandum of co-accused and he has not been identified. He further submits that the other

co-accused persons namely Dhanaram Rawat has already been granted bail by this High Court in M.Cr.C. No. 6291 of 2015 on 26.11.2015 and the present applicant may also be entitled for bail on the ground of parity.

4. Learned State counsel opposes the prayer for grant of bail and however, after verification do not dispute the fact that the similarly placed co-accused has been released on bail.
5. Having regard to the fact that the applicant is in jail since 21.12.2014 and also the fact that the similarly placed co-accused persons has already been enlarged on bail by this court in M. Cr.C. No 6291 of 2015 on 26.11.2015, 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.
8. Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
Judge