

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7581 of 2015

1. Manish Tiwari @ Ajay Tiwari, S/o. Ratilal Tiwari, aged about 21 years, R/o. Sanakdih, P.S. Rupanpur, District – Bhadouhi (U.P.), at present near Torwa Naka, House of Golu Sahu, P.S. Torwa, District – Bilaspur (C.G.)
2. Rajesh Rohidas, S/o. Dharam Lal Rohidas, aged about 23 years, R/o. Karra Bazarpara, P.S. - Ratanpur, District – Bilaspur (C.G.)

----Applicants

Versus

1. State Of Chhattisgarh, Through : Station House Officer, P.S. - Ratanpur, District Bilaspur (C.G.)

---- Respondent

For Applicants	: Mr. N.K. Chatterjee, Advocate
For Respondent/State	: Mr. Sangharsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/01/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.220/2015, registered at Police Station – Ratanpur, District – Bilaspur (C.G.) for the offence punishable under Section 394/34 of I.P.C.
2. Case of the prosecution, in brief, is that on 04.10.2015 the applicants alongwith other co-accused looted cash of Rs.4000/-, mobile phone and one ATM card from the complainant, Firoj Ansari @ Alam Ansari and others.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case without any evidence. He would further submit that charge-sheet has been filed in this case and the applicants are in jail since 04.10.2015. He would further submit that

similarly placed co-accused in this case has been enlarged on bail by this Court in M.Cr.C.No.6391/2015 vide order dated 26.11.2015, therefore, he prays that the applicants may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application, however, after verification do not dispute the fact that similarly placed co-accused in this case has been released on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into the fact the charge-sheet in this case has been filed, the applicants are in jail since 04.10.2015, and further considering the fact that similarly placed co-accused in this case has been enlarged on bail by this Court in M.Cr.C.No.6391/2015 vide order dated 26.11.2015, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge