

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5057 of 2016

- Maitu Sonwani S/O Bechulal Aged About 26 Years Cast - Bhariya, R/O. - Village - Nangthal, Gaurella, District - Bilaspur Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through : - S. H. O. - Pendra, District - Bilaspur Chhattisgarh

---- **Respondent**

For Applicant : Mr. Hemant Gupta, Advocate

For Respondent/State : Mrs. Shobha Kasyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

31-08-2016

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 on 8-7-2016 in connection with Crime No. 278 of 2015, registered at Police Station Pendra, District Bilaspur (CG) for the offence punishable under Sections 379, 414, 34 of IPC, Sections 5 & 15 of CG Forest Act and Section 3 (1) of Damage of Public Property Act.
2. Case of the prosecution, in brief, is that on 20-08-2015 an information was received t at Scorpio bearing registration No. CG 04-HN 3803 was being loaded 102 Kg Sandal wood which was total of Rs.3 lakhs, two accused persons namely Koshlesh Kumar Shukla and Levendra Singh Dhruw were apprehended. During the course of investigation, on the basis of memorandum statement of Koshlesh Kumar Shukla and Levendra Singh Dhruw, present applicant has been arrested.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated, charge-sheet has been filed

in this case, he is in jail since 8-7-2016 and no further investigation is required. He would further submit that similarly placed other co-accused persons have been granted bail vide order dated 13-01-2016 passed by this Court in M.Cr.C.No. 7512 of 2015 therefore, the applicant may also be released on bail on the ground of parity.

4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the case of the applicant is similar to the case of co-accused persons who have been granted bail by this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering the fact that charge-sheet has been filed, the applicant is in jail since 8-7-2016 and further considering the fact that similarly placed co-accused persons have been granted bail, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his 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 his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju