

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. NO. 4978 OF 2016

Gulab Shende, S/o Chamak Shende, aged about 36 years, occupation-Agriculturist, R/o Village Badratola, Bortalav, Post Office & Police Station Bortalav, Rajnandgaon, District Rajnandgaon (C.G.)

... Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station-Bortalav, Rajnandgaon, District Rajnandgaon (C.G.)

... Non-applicant

For Applicant	:	Mr. Shivendu Pandya, Advocate.
For Non-applicant/State	:	Mr. Satish Gupta, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/09/2016

1. This is the third application filed under Section 439 of CrPC for grant of bail to the Applicant who is in jail since 29.3.2014 in connection with Crime No. 13/2014 registered at Police Station Bortalav, District Rajnandgaon, for the offence punishable under Sections 302, 307, 120-B/34, 147, 148 & 149 of IPC.
2. The earlier two bail applications stood dismissed as withdrawn with liberty to revive after material witnesses/eye-witnesses are examined.
3. Shri Shivendu Pandya, learned Counsel for the Applicant, submits that subsequently now the relevant material witnesses have all been examined and those witnesses have not supported the case of the prosecution. He further submits that two other accused persons, namely, Devendra Mankar and Roshan, have already been released on bail by this Court in M.Cr.C. No. 3723 of 2016 and M.Cr.C. No. 4542 of 2016 respectively. That the case of the present Applicant being similar to that of

the said two co-accused persons he is also entitled for the same treatment in parity.

4. Shri Satish Gupta, learned Counsel for the State, opposes the application for grant of bail. However, on a specific query made to him, he admits that the name of the present Applicant is not reflected in the deposition of any of the material witnesses examined before the Court during the course of trial.

5. Considering the totality of the facts and circumstances of the case and also taking note of the fact that the other two co-accused persons, namely, Devendra Mankar and Roshan, have already been released on bail by this Court, the present Applicant is also entitled for the same treatment in parity with those two co-accused persons and he can also be enlarged on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- (Twenty Five Thousand only) with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge