

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5381 of 2016

- Naresh Manjhi S/o Joshi Manjhi, Aged About 21 Years R/o Village - Girsiya, Police Station - Himgir, District - Sundergarh (Orissa). ----
Applicant

Versus

- State of Chhattisgarh through Station House Officer, Police Station : Tamnar, District - Raigarh (Chhattisgarh). --- **Respondent**

For the applicant	:	Mr. Amit Singh, Advocate
For the Respondent	:	Mr. Neeraj Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15.09.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 44 of 2016 registered at P.S. Tamnar, Distt. Raigarh (C.G) for the offence punishable under Sections 384/34 of IPC.
2. As per the prosecution case, on 15.02.2016 when complainant Surendra Yadav was taking a truck loaded with coal from the Mines to the DV Power Plant, the present applicant and another co-accused person stopped him, threatened him of dire consequences and looted him of his Mobile of Intex Make. The first Information Report in this regard was lodged on 19.02.22016. Subsequently much later on 01.03.2016, the present applicant was arrested and from his possession a mobile phone was seized.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the looted mobile is said to be the make of Intex Company but the seized mobile is of different specification and make. He further

submits that similarly placed co-accused Sandeep Pradhan has been enlarged on bail in M.Cr.C. No. 2617 of 2016 on 07.06.2016 by the Coordinate Bench of this Court. It is further submitted that the charge sheet has been filed; no further investigation is necessary and the applicant is in jail since 01.03.2016, therefore, the present applicant may also be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that similarly placed co-accused Sandeep Pradhan has been enlarged on bail by the coordinate Bench of this Court.
5. Perused the case diary and other documents.
6. Considering the fact that similarly placed co-accused has been enlarged on bail by the coordinate Bench of this Court as also the fact that the charge sheet in this case has been filed and the applicant is stated to be in jail since 01.03.2016 and thus taking into totality of the facts and circumstances of the case, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE