

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5929 of 2016

Manjay Kumar, S/o. Kanharam Nut, Aged about 22 years, R/o. Village-Diwanpur, Thana- Pathalgaon, Civil & Revenue District Jashpur, District Jashpur (C.G.).

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Kapu, District Raigarh (C.G.).

---- Respondent

For Applicant : Ms. Sharmila Singhai, Advocate

For Respondent : Mr. Anupam Dubey, , Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28.09.2016

1. This is the second 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 Section 458, 342, 170, 395, 398, 120-B of Indian Penal Code. The first bail application was dismissed on merit on 07.12.2015 in MCRC No.6661 of 2015.
2. As per the prosecution case, on 07.12.2014 the applicant along-with co-accused entered into the house of Budhram and pretended that they are Police Officers and on that pretext, they committed dacoity. Subsequently, on investigation being made, the applicant has been arrested.
3. Learned counsel for the applicant would submit that earlier bail application of the applicant has been dismissed and since the other co-accused have been enlarged on bail, therefore, the applicant has preferred this second bail application. She further submits that

the similarly placed co-accused have been enlarged on bail by this Court on 06.09.2016 in MCRC No.5233 of 2016 and the case of the present applicant is similar to that case, therefore, the present applicant may also be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that the similarly placed co-accused have been enlarged on bail.
5. Perused the case diary and the documents. Considering the facts & circumstances of the case and the fact that the charge sheet has been filed and the other similarly placed co-accused have already been enlarged on bail, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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.

Sd/-
(Goutam Bhaduri)
Judge