

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6274 of 2016

- Naresh Singh Khairwar S/O Ganesh Singh Khairwar R/O Village Chumra, Police Station Ramanujganj, District Balrampur Ramanujganj, Civil District Sarguja, Revenue District Balrampur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Ramanujganj, District Balrampur Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant : Mr. A.K. Prasad, Advocate.

For Respondent/State : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18-10-2016

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 26-3-2016 in connection with Crime No. 53 of 2015 registered at Police Station Trikunda, District Balrampur-Ramanujganj (CG) for the offence punishable under Sections 294, 323, 355, 364-A, 506, 1209-BJ & 34 of the IPC.
2. As per prosecution case, on 24-8-2015 one Shambhu Khairwar was abducted and he was asked whether he was holding Hanuman Printed Coin. Thereafter, said complainant was taken to Shardapur Main Road, Aamadandi. Subsequently, Scorpio vehicle came from Wardrafnagar which was owned by Ramesh Kumar Minj who was other co-accused and other co-accused persons Bhrahmdev, Rajnath, Vishwajeet and Fuzet forced the complainant to board the Scorpio vehicle. Thereafter they traveled in the said Scorpio vehicle to some distance. He was taken inside the forest and however, some-how complainant got himself free and fled away and the report was made.

3. Learned counsel appearing for the applicant would submit that during pendency of the trial, complainant has compounded the offence under Sections 294, 506, 323 and 355 of the IPC and thereafter the complainant was examined on 7-7-2016 wherein nothing has been stated against the present applicant. He relied on the statement filed by the complainant. He would further submit that the case of the present applicant is similar to that of other co-accused namely Ramesh Kumar Minj who has been granted bail vide order dated 21-7-2016 passed by this Court in M.Cr.C.No. 3934 of 2016, 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 who has 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 26-3-2016 and further considering the fact that similarly placed other co-accused has 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

