

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6550 of 2016

1. Babu @ Chandrakant Nishad, S/o. Laxmi Prasad, aged about 19 years, R/o. Indira Nagar (Wrongly mentioned as Idra Nagar in rejection order), Raigarh, Tahsil and District – Raigarh (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station - City Kotwali, District – Raigarh (C.G.)

---- Respondent

For Applicant	: Mr. Ashish Gupta, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26/10/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.299/2016, registered at Police Station – City Kotwali, District – Raigarh (C.G.) for the offence punishable under Section 392/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by Santram Gupta that on 15.05.2016, the applicant along with other co-accused made a robbery of Samsung mobile belonged to the complainant. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the mobile which was seized has not been identified. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since

14.06.2016. It is further submitted that similarly placed co-accused in this case has been enlarged on bail by this Court in M.Cr.C. No.5698/2016 vide order dated 23.09.2016, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that similarly placed co-accused in this case has been enlarged on bail.
5. I have heard learned counsel appearing for the parties.
6. Considering the facts and circumstances of the case, charge-sheet in this case has been filed and the applicant is in jail since 14.06.2016 and further taking into the fact that similarly placed co-accused in this case has been enlarged on bail by this Court in M.Cr.C. No.5698/2016 vide order dated 23.09.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge