

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6673 of 2016

- Ramesh Kumar, aged about 52 years, s/o. Lkate Nathulal Gupta by caste Baniya, r/o. Village Ramgarh, Thana Janakpur, District Koriya (CG).

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Janakpur, District Koriya (CG).

---- Respondent

For Applicant : Mr. Parag Kotecha, Advocate
For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07-11-2016

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 20-9-2015 in connection with Crime No. 69 of 2014, registered at Police Station Janakpur, District Koriya (CG) for the offence punishable under Sections 420, 409, 34 of the IPC.
2. As per prosecution case, the applicant in connivance with the other persons sold the paddy to the Government over and above the limit prescribed, as the entitlement to sell the paddy is 36 quintals per hectare and the applicant sold the paddy of his own and also took the paddy of some other persons and sold it showing to be the paddy of himself.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated, he is in jail since 20-9-2016 and no further investigation is required. He would further submit that the case of the present applicant is similar to that of other co-

accused namely Janak Pratap Singh @ Lal Janak Pratap Singh, who has been granted bail vide order dated 25-10-2016 passed by this Court in M.Cr.C.No. 6535 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 the applicant is in jail since 20-9-2016 and further considering the fact that similarly placed 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