

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6820 of 2016

Duryodhan Nut, S/o. Sunderlal Nut, Aged About 32 Years, R/o. Village – Diwanpur, Thana - Pathalgaon, Civil & Revenue District - Jashpur, Distt. Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station- Kapu, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sanjay Agrawal, Advocate

For Respondent : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08.11.2016

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 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.
2. As per the prosecution case, on 07.12.2014 the applicant along-with co-accused entered into the house of Bodhram 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 Bodhram, Sudho Bai & Santosh who are the victim have been examined and they have not supported the case of the prosecution. He further submits that the similarly placed co-accused has been enlarged on bail by this Court on 28.09.2016 in MCRC No. 5929 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 fact that the charge sheet has been filed, victim have been examined and they have not supported the case of the prosecution and the fact that 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