

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6910 of 2016

1. Ashish Masih S/o Alimilek Masih Aged About 25 Years R/o Village Vishrampur, Tahsil & Police Station Simga, District Baloda Bazar-Bhatapara, Chhattisgarh.
2. Subham Das S/o Jitendra Das Aged About 21 Years R/o Village Vishrampur, Tahsil & Police Station Simga, District Baloda Bazar-Bhatapara, Chhattisgarh.

---- **Petitioners**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station- Simga, District- Baloda Bazar- Bhatapara, Chhattisgarh.

---- **Respondent**

For Applicants : Mr. Anil Gulati, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

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 applicants who have been arrested on 10-6-2016 in connection with Crime No. 151 of 2016, registered at Police Station Simga, District Baloda Bazar – Bhatapara (CG) for the offence punishable under Section 394 of the IPC..
2. As per prosecution case, on 10-6-2016 the complainant was sleeping in his Truck bearing registration No. CG-04 JD 1857. He kept the money in the pant which was used as a pillow. In the night some one tried to snatch the pant wherein money was kept. Subsequently, one of the accused took away the amount of Rs.10,000/- and stone was pelted on the complainant whereby he sustained injury on the head. Subsequently, the applicants fled away.

3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated, only Rs.500/- and torch were recovered from applicant No.1 Ashish Masih and six notes of one thousand rupee were recovered from applicant No.2 Subham Das. He would further submit that the case of the present applicants is similar to that of other co-accused persons namely Nilesh Masih and Abhilash Masih, who have been granted bail vide order dated 20-09-2016 passed by this Court in M.Cr.C.No. 5638 of 2016, therefore, the applicants 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 applicants is similar to the case of other co-accused persons who have 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 applicants are in jail since 10-6-2016 and further considering the fact that similarly placed other co-accused persons have been granted bail, I am inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

