

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7481 of 2016

1. Sanjay Dubey, S/o. Late Jagdish Dubey, aged about 37 years, R/o. Village-Kanjiya, Police Station – Janakpur, Tahsil -Bharatpur, District – Korea (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Janakpur, District – Korea (C.G.)

---- Respondent

For Applicant : Mr. Mahendra K. Sahu, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/11/2016

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.69/2014, registered at Police Station – Janakpur, District – Koriya (C.G.) for the offence punishable under Section 420, 409, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that 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 for the applicant submits that the applicant has been falsely implicated in this case, he is in jail since 20.09.2016 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 Ramesh Kumar, who has been granted bail vide order dated 07.11.2016, in M.Cr.C. No.6673/2016, therefore, 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 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 appearing for the parties.
6. Taking into consideration, the facts and circumstances of the case, nature of allegation leveled against the applicant and further considering the fact that similarly placed co-accused has been granted bail, 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