

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7462 of 2016

- Ashok Basor S/o Ramroop Basor Aged About 35 Years Caste Basor, R/o Village Rokda Police Station Kelhari, Tehsil Manendragarh District Korea, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Manendragarh District Korea, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Shakti Raj Sinha, Advocate

For Respondent/State : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29-11-2016

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 10-6-2016 in connection with Crime No. 159 of 2016, registered at Police Station Manendragarh, District Korea (CG) for the offence punishable under Sections 457, 380, 411, 413, 414/34 of IPC.
2. As per prosecution case, one Rajesh Mishra made a report that in the intervening night of 7th & 8th May, 2016 theft took place in his house and gold and silver ornaments and cash were stolen. Subsequently, on investigation was revealed that the applicant along with other co-accused has committed theft and the stolen articles were recovered and thereby the aforesaid offence was committed
3. Learned counsel appearing for the applicant would submit that there is no allegation that the applicant is involved in the crime . The applicant is a middle man allowing the goods to be sold. He would further submit that the applicant has been falsely implicated, charge-sheet has been filed in this case, he is in jail since 10-6-2016 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 persons namely Avinash Mane and Bitanu Basor, who have been granted bail vide order dated 4-10-2016 & 22-11-2016 passed by this Court in M.Cr.C.No. 6202 of 2016 and 6911 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 that 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 applicant is 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 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