

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7733 of 2016

Khagendra Kumar Nirala, S/o. Mohar Sai Nirala, Aged About 22 Years,
Caste Satnami, R/o. Quarter No. CH - 36, In Front Of Chhote Club,
Manikpur, Korba, Police Chowki Manikpur, Tahsil & Distrist Korba,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station
Kartala, District Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ramakant Pandey, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06.12.2016

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.58/2016 registered at Police Station- Kartala, District Korba (C.G.) for the offence punishable under Section 395, 397 of Indian Penal Code.
2. As per the prosecution case, a report was made by one Ramlal Sahu on 30.08.2016 that on 28.08.2016 at about 12.30 am while he was going on his vehicle after loading cement to unload it near village Kotemar there was a brake down happened in the vehicle, at that time, while they were in the vehicle six persons came and demanded money which was refused and the complainant was assaulted and Rs.2200/- was looted alongwith the mobile.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the nature of allegation would show

that because of some dispute, the allegations have been attributed to this applicant. He further submits that the charge sheet has been filed and the similarly placed co-accused have been enlarged on bail by this Court on 04.10.2016 in MCRC No.6076 of 2016 and on 29.11.2016 in MCRC No. 7560 of 2016, 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 is not able to 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 and the 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