

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7777 of 2016

1. Parvej Aalam, S/o. Mohd. Israil, aged about 30 years, Caste- Muslim, R/o. Village- Bilaitanger (wrongly mentioned as Bilaiganger), Police Station – Patthalgaon, Civil and Revenue District – Jashpur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police Station – Pathalgaon, Civil and Revenue District – Jashpur (C.G.)

---- Respondent

For Applicant	: Mr. Vinod Tekam, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/12/2016

1. This is the second 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.136/2016, registered at Police Station – Pathalgaon, District – Jashpur (C.G.) for the offence punishable under Section 392 & 395/34 of Indian Penal Code. The first bail application was dismissed on 29.08.2016 in M.Cr.C. No.4929/2016.
2. Case of the prosecution, in brief, is that a report was made by Smt. Manisha Singh that on 03.06.2016 at about 1.30 p.m., two unknown persons came to the grocery shop, took biscuits and thereafter looted Rs.5000/- from cash box. When the said criminal act of accused was resisted they pushed daughter of the complainant and

the complainant and fled away in Scorpio vehicle bearing No.C.G.13-C/4113. Subsequently, the applicant was arrested and on inquiry, it was revealed that the applicant was an inmate of the car and after the amount was looted, it was distributed among the accused and Rs.500/- note was recovered from the applicant. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that though initially the complainant had stated that she identified two persons but subsequently four persons were identified after rejection of the first bail petition on 29.08.2016, charge sheet has been filed and the applicant is in jail since 06.07.2016. It is further submitted that other co-accused namely Ritesh Singh has been enlarged on bail vide order dated 17.11.2016 in M.Cr.C. No.7190/2016, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, documents. Considering the facts and circumstances of the case, the nature of offence and the degree of allegation, charge-sheet in this case has been filed and further taking into the fact that other co-accused has been enlarged on bail by this Court in M.Cr.C. No.7190/2016, vide order dated 17.11.2016, 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

Balram