

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8241 of 2016

- Sultan Ansari S/o Late Mohammad Siddiqui Aged About 25 Years By
Caste - Muslim, R/o Quarter No. B - 18, Subhash Block, S. E. C. L.
Korba, Tehsil And District Korba Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through : Station House Officer, Police Station -
Kartala, District Korba Chhattisgarh --- **Respondent**

For the applicant	:	Mrs. Pritha Ghoshal, Advocate
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.12.2016

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 58/2016 registered at P.S. Kartala, Distt. Korba (C.G) for the offence punishable under Sections 395, 397/34 of IPC.
2. As per the prosecution case, on 30.08.2016 a report was made by one Ramlal Sahu that on 28.8.2016 at about 12.30 am he was going on his vehicle after loading cement to unload it near village Kotemar and on the way there was a brake-down in the vehicle, at that time, while they were in the vehicle, six persons came and demanded money and when it was refused the complainant was assaulted and Rs.2200/- was looted along-with the mobile.
3. Learned counsel for the applicant submits that this is second bail application and the earlier bail application was dismissed as withdrawn on 07.11.2016 with liberty to repeat the same after filing of the charge sheet and now the charge sheet has

been filed on 16.11.2016. She further submits that there was no intention of loot and only one mobile was recovered; no further investigation is necessary and similarly placed accused Krishna Singh has been enlarged on bail by this Court in M.Cr.C.No.7560/16 on 29.11.2016, therefore, the present applicant may also be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that the person against whom similar allegations were levelled has been enlarged on bail by this Court.
5. Considering the fact that only one mobile was recovered and there was no intention to commit loot as also the fact that similarly placed co-accused has been enlarged on bail by this Court and the applicant is stated to be in jail since 31.08.2016 I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**