

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 242 of 2017

1. Gulab Singh S/o Sahiba Singh Aged About 42 Years R/o Village Katra Police Station Marwahi, District Bilaspur Chhattisgarh
2. Kansi Ram, S/o Samay Lal Yadav Aged About 40 Years R/o Village Katra, Police Station Marwahi, District Bilaspur Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through Police Station Marwahi, District Bilaspur Chhattisgarh

-- Respondent

For Applicants : Mr. Akhilesh Mishra, Advocate

For Respondent/State : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30-01-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 20-12-2016 & 21-12-2016 in connection with Crime No. 23 of 2015, registered at Police Station Marwahi, District Bilaspur (CG) for the offence punishable under Sections 147, 148, 353, 435, 458, 427, 395, 171 (C) of IPC and Section 136 (2)(f) of the Public Representative Act.
2. Case of the prosecution, in brief, is that present applicants along with other co-accused persons after completion of election robbed ballot papers at voting center No.6 at Marwahi and burnt the same and thereafter they also damaged the property of the said polling center and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated, charge-sheet has been

filed in this case, they are in jail since 20-12-2016 and 21-12-2016 and no further investigation is required. He would further submit that the case of the present applicants is similar to that of other co-accused persons who have been granted bail vide order dated 29-08-2016 passed by this Court in M.Cr.C.No.4926 of 2016, therefore, the applicants 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 applicants 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 applicants are in jail since 20-12-2016 and 21-12-2016 and further considering the fact that similarly placed other co-accused persons have been granted bail, I am inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju