

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 603 of 2017

- Daya Ram Pav S/o Shri Chote Lal Aged About 30 Years R/o Village Katra, Tahsil & Police Station Marwahi, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

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

---- Respondent

For Applicant : Mr. Shashi Bhushan Tiwari, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06-02-2017

1. This is 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 16-1-2017 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, 332, 435, 458, 427, 395 & 171 (C) of the IPC.
2. As per prosecution case, present applicant 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 he also damaged the property of the said polling center and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in this case. He would further submit that charge-sheet has been filed, the applicant is in jail since 16-1-2017 and no further investigation is necessary. It is further submitted that the case of the

present applicant is similar to that of other co-accused persons who have been enlarged on bail vide order dated 6-12-2016 passed by this Court in M.Cr.C.Nos 7697 of 2016 and 7817 of 2016, therefore, he may also be released on bail on the ground of parity.

4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the case of the present applicant is similar to that of other co-accused persons who have been enlarged on 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 facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that the charge-sheet in this case has been filed and the applicant is in jail since 16-1-2017 and also the fact that similarly placed other co-accused persons have been enlarged on bail by this Court, this court is 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