

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 766 of 2017

- Raju Sahu S/o Janak Ram Sahu Aged About 21 Years R/o in front of Loha Pul Shankar Nagar, Tehsil & District Durg, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through The District Magistrate Rajnandgaon, District Rajnandgaon, Chhattisgarh.

---- **Respondent**

For Applicants : Mr. S.K. Agrawal, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15-02-2017

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 30-4-2014 in connection with Crime No. 78 of 2014 registered at Police Station Somni, District Rajnandgaon (CG) for the offence punishable under Sections 392, 201, 397, 34 of the IPC.
2. As per prosecution case, a report was made by one Uday Singh Joshi that while he was going on his motor-cycle from Rajnandgaon to Bhilai, he was intercepted by the applicant along with two persons and on the point of knife, looted cash and rings and thereafter they took him to ATM counter and from the ATM card of the complainant they withdrew Rs.6,500/- and fled away. Subsequently, the applicant was arrested and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant is in jail since 30-4-2014 and trial has not been concluded till date.

He would further submit that the case of the present applicant is similar to that of other co-accused persons who have been granted bail vide order dated 12-9-2014 and 15-10-2014 passed by co-ordinate Benches of this Court in M.Cr.C. Nos. 4542 of 2014 & 5030 of 2014, therefore, present applicant 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 applicants is similar to that of other co-accused persons who have been granted bail by the co-ordinate Benches of this Court.
5. I have heard learned counsel for the parties, perused the case and other documents.
6. Taking into consideration the facts and circumstances of the case and further considering the fact that similarly placed other co-accused persons have been released on bail by co-ordinate Benches of this Court and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 30-4-2014, 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju