

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1011 of 2017

Sumit Pandey, S/o. Vijay Kumar Pandey, Aged About 19 Years, (Student I.T.I.), R/o. Phase -A, Plot No: 215, Rajkishore Nagar, Police Station: Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station: Ratanpur, District : Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Pushpendra Singh Baghel, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15.03.2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.277/2016 registered at Police Station- Ratanpur, District Bilaspur (C.G.) for the offence punishable under Section 395 of Indian Penal Code.
2. As per the prosecution case, on 06.11.2016 at about 3.30 am, the applicant along with other co-accused namely Govind Chauhan, Putrasmit Das, Sumit Pandey, Subham Agrawal, Abhinav Gauraha, Sudhanshu Pandey and Bhanu Pratap Singh Jangade were traveling in four motorcycles and they stopped the truck bearing No. C.G.-15-AC-8025 and thereafter, assaulted driver and the owner and looted Rs.29,000/- cash, two mobiles, driving license, PAN card, Adhar card, ATM Card etc. Subsequently, the driving license, Pan Card, ATM card and the mobiles were thrown.

Subsequently, the applicant was arrested and was identified; thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant is a student of I.T.I. and he is 19 years old and the charge sheet has been filed. He further submits that the similarly placed co-accused has already been enlarged on bail by this Court on 02.02.2017 in MCRC No.462 of 2017, therefore, the present applicant may also be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that the similarly placed co-accused has been enlarged on bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case and the fact that the charge sheet has been filed and the similarly placed co-accused have already been enlarged on bail, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge