

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1279 of 2017

- Saroj Kumar S/o Shri Labharam Ratre, Aged About 28 Years R/o Dharasiwa, Chowki Lawan, Police Station Kasdol, District Baloda Bazar Bhatapara Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through The Station House Officer, Chowki Lawan Police Station Kasdol, District Baloda Bazar Bhatapara Chhattisgarh

---- Respondent

For Applicant : Mr. S.K. Guha, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22-03-2017

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 on 1-1-2017 in connection with Crime No. 1 of 2017 registered at Police Chowki Lawan, PS Kasdol, District Baloda Bazar Bhatapara (CG) for the offence punishable under Section 394, 34 of the IPC.
2. As per prosecution case, a report was made by one Ritu Kumar Banjare who was Constable alleging that on 31-1-2016 while he was coming back to his village in the road, he was stopped by three persons i.e., present applicant and Suraj and Ramaulal and they demanded R.2000/- and when it was disclosed that he belonged to Police and he will not pay the amount, an altercation started and the complainant was assaulted and Rs.1000/- was looted and thereby the aforesaid offence has been committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated, charge-sheet has been filed in this case, he is in jail since 1-1-2017. 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 1-3-2017 passed by this Court in M.Cr.C.No. 997 of 2017, therefore, the present applicant 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 is not able to dispute the fact that the case of the applicant 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 applicant is in jail since 1-1-2017 and further considering the fact that similarly placed other co-accused persons have been granted bail, I am 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

