

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1419 of 2017

- Govind Singh Chauhan S/o Late Shri Virendra Singh Chauhan Aged About 22 Years R/o Village- Purbiyatola, Near Islami School, Etawa, Uttar Pradesh, Local Address- Raj Kishore Nagar, Makhan Lal Colony, H I G - I, Police Station Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Koni, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Tarunvir Singh Khehar and Mr.
Pushpendra Singh Baghel, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16-3-2017

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 8-11-2016 in connection with Crime No. 315 of 2016, registered at Police Station Koni, District Bilaspur (CG) for the offence punishable under Sections 395, 34 of the IPC.
2. As per prosecution case, on 6-11-2016 at about 4.30 am., the applicant along with other co-accused came on motor cycles and stopped two trucks being driven by complainants at Mopka Sendri Bypass road and assaulted them and looted mobiles and cash of Rs.9,000/- from the drivers and other intimates of the trucks and thereafter took out the batteries of the trucks and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant the applicant is a student of Post Graduate Diploma in Computer Application from Mahabodhi Maha Vidyalaya, Mainpuri, Uttar Pradesh and is he 22 years old, charge-sheet has been filed in this case and he is in jail since 8-

11-2016. He would further submit that the case of the present applicant is similar to that of other co-accused namely Sumit Pandey, who has been granted bail vide order dated 15-3-2017 passed by this Court in M.Cr.C.No. 1010 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 does not dispute the fact that the case of the applicant is similar to that of other co-accused who has 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 8-11-2016 and further considering the fact that similarly placed other co-accused has 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