

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3389 of 2017

- Mohammad Nasir @ Mohd. Nazir S/o Late Mohd. Mazid, Aged About 26 Years R/o Chanwaridand, Ward No. 1, Police Station Manendragarh, District Korea, Chhattisgarh.

---- Applicant (in jail)

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Manendragarh, District Korea, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate
For Respondents/State	:	Shri Suryakant Mishra, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/06/2017

1. The present applicant is in jail since 21.12.2016 in connection with Crime No. 434/2016 registered at Police Station Manendragarh, Dist. Korea (C.G.), for the commission of offence punishable under Section 457, 380 read with Section 34 of the I.P.C.
2. Case of the prosecution, in brief, is that the present applicant along with other co-accused person, namely, Vishnu Singh is said to have entered into the newly constructed primary school of village Chanwaridand and is said to have stolen one iron channel gate and two iron rods. The present applicant was found to be in possession of iron channel gate and the co-accused Vishnu Singh was in possession of iron doors.
3. Learned counsel for the applicant submits that the co-accused Vishnu Singh has already been enlarged on bail by this Court in MCRC No. 1961 of 2017 vide order dated 10.04.2017. He submits that the

nature of allegation against the present applicant is altogether same as levelled against Vishnu Singh, and therefore, considering the period of custody undergone, the applicant may be released on bail.

4. On the other hand, learned counsel for the State, on due verification of the facts from the case diary, does not dispute these facts.

5. Considering the total facts and circumstances of the case, particularly, taking into consideration the period of custody undergone and also taking note of the fact that co-accused Vishnu Singh has been enlarged on bail by the coordinate Bench of this Court, it is a fit case where the applicant can be released on bail.

6. Accordingly, the present bail application is allowed. It is directed that in case if the applicant furnishes a personal for a sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned trial Court, then he shall be released on bail. The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(P. Sam Koshy)
V. Judge