

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 4926 OF 2017

1. Sanjay Raksel, S/o Annu @ Shravan Raksel, aged about 27 years, R/o behind Sundarani Video World, Sweeper Colony, Raipur, P.S. Moudahapara, District Raipur (C.G.)
2. Neeraj Raksel @ Chhotu Sonkar, S/o Mahendra Sonkar, aged about 25 years, R/o Ganesh Chowk, Chhirrapara, P.S. Purani Basti, District Raipur (C.G.)

... Applicants

Versus

The State of Chhattisgarh, through : P.S.- Moudahapara, Distt. Raipur (CG)

... Respondent

For Applicants	:	Mr. U.K.S. Chandel, Advocate.
For Respondent-State	:	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20/11/2017

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicants who are in jail since 21.11.2016 in connection with Crime No.186/2016 registered at Police Station-Moudahapara, District Raipur, for an offence punishable under Sections 399, 402 of IPC and Section 25 of the Arms Act.
2. As per the prosecution case, on 21.11.2016, the present Applicants along with other accused persons is said to have found hatching a conspiracy and were caught red handed with certain arms and weapons along with them.
3. Learned Counsel for Applicants submits that the co-accused persons i.e. Nitesh Rao and Shubham Chandrakar, who were the co-accused in the same crime, have already been released on bail by this Court on 25.5.2017 in M.Cr.C. No.2001/2017 and M.Cr.C. No.2065/2017. He further submits that the nature of allegations against the present Applicants is also similar and identical and therefore the present Applicants also deserve to be released on bail on the ground of parity.

4. Learned Counsel for the State however opposes the bail application on the ground that the present Applicants have got past history against them for criminal offence committed by them and therefore they cannot be equated with the co-accused persons. She thus prayed for the rejection of the bail application.

5. Having heard the contentions put forth on either side and on perusal of record, true it is that the nature of allegations against the present Applicants is identical to the allegations against the co-accused persons who have already been granted bail by this Court. The only difference in the present case is the past antecedents which the present Applicants have. However, perusal of record shows that both the Applicants have remained in jail six months more than the two co-accused persons who have already been enlarged on bail on 25.5.2017 and so far as the present case is concerned, they stand at the same footing as that of the co-accused persons. This Court therefore is of the opinion that prima facie the present Applicants also deserve to be released on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicants shall be released on bail on each of them furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for their appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge