

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8482 of 2016

- D Nitesh S/o D. Nikhel Aged About 21 Years R/o Gautam Nagar Zone-01, Khurseeper Bhilai, District Durg, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through, The District Magistrate Durg, District Durg, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Avinash Chand Sahu, Advocate

For Respondent/State : Mr. Ail S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09-01-2017

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 22-6-2016 in connection with Crime No. 308 of 2016 registered at Police Station Chhawani, District Durg (CG) for the offence punishable under Sections 380, 414/34 of the IPC.
2. As per prosecution case, on 19-5-2016 a report was made by complainant Taravati Verma that in the intervening night of 18-19/05/2016 theft took place in her house and ornaments were stolen. Subsequently, present applicant was arrested and on his memorandum it is found that the said ornaments were kept in the custody of another co-accused and thereby the aforesaid offence was 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 22-6-2016 and no further investigation is required. He would further submit that the case of

the present applicant is similar to that of other co-accused Ehsaan Mohamad, who has been granted bail vide order dated 22-11-2016 passed by this Court in M.Cr.C.No. 7231 of 2016, therefore, the 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 the case of 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 22-6-2016 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