

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 228 of 2017

- Jitendra Markam S/o Sukhram Markam, Aged About 26 Years R/o Village- Bande Colony, Thana- Bande, District- Uttar Bastar Kanker Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through- Police Station- Bande, District- Uttar Bastar Kanker Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Parag Kotecha, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25-01-2017

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 7-11-2016 in connection with Crime No. 51 of 2016 registered at Police Station Bande, District U.B. Kanker (CG) for the offence punishable under Sections 457, 380, 34 of the IPC.
2. As per prosecution case, a report was made by one Dilip Rai that on 24-9-2016 when he tried to open his shop, he found that shutter of the shop was broken and on inspection it was found that two mobiles were stolen. Subsequently, one of the accused was arrested and on his memorandum, it revealed that five mobiles were stolen and from the applicant Jtendra Markam, two mobiles were recovered 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 7-11-2016 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 who have been enlarged on bail vide order dated 2-1-2017 passed by this Court in M.Cr.C.No. 8368 of 2016 & 8372 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 that of other co-accused 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 7-11-2016 and further considering the fact that similarly placed other co-accused 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