

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2311 of 2017

- Shiv Kumar Gandharva S/o Sadhu Ram Gandharva, Aged About 45 Years R/o Village Dindori, Chowki Pachpedi, Police Station Masturi, District Bilaspur Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Masturi, District Bilaspur Chhattisgarh

---- Respondent

For Applicant : Mr. Rajeev Kumar Dubey, Advocate

For Respondent/State : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

4-5-2017

1. This is the secondt 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 11-12-2015 in connection with Crime No. 200 of 2015, registered at Police Station Masturi, District Bilaspur (CG) for the offence punishable under Sections 419, 420, 467, 468, 471 & 120-B of the IPC.
2. As per prosecution case, the applicant who is Kotwar was looking after the office work of Kotwar and prepared forged Rinpustika B-1 and on that basis Mukesh Kurre along with his wife obtained loan from bank and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that this is second bail petition and earlier first bail petition was dismissed for want prosecution on 8-2-2017. He would further submit that the the applicant has not committed any offence and the entire loan was taken by Mukesh Kurre which has been repaid. He would

further submit that charge-sheet has been filed in this case, he is in jail since 11-12-2015. It is further submitted that the case of the present applicant is similar to that of other co-accused namely Smt. Tulsi Bai who has been granted bail vide order dated 19-11-2015 passed by co-ordinate Bench of this Court in M.Cr.C.No. 1108 of 2016, 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 is not able to dispute the fact that the case of the applicant is similar to that of other co-accused who has been granted bail by co-ordinate Bench of 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 11-12-2015 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

