

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7663 of 2017

- Shiv Prakash Maurya S/o Shri Jeetnarayan Maurya, Aged About 23 Years R/o Ghanshyampur, P.S. Gopiganj, District Bhadohi U.P., Uttar Pradesh

----Applicant

Versus

- State Of Chhattisgarh Through The Police Station G.R.P. Raipur, Chhattisgarh, Chhattisgarh

---- Respondent

For the applicant : Shri Chakresh Tiwari,
Advocate.

For the Respondent/State : Mrs. Smita Ghai, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

05.02.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants, who have been arrested in connection with Crime No. 241/2017, registered at Police Station – G.R.P. Raipur, District – Raipur, (C.G), for the offence under Section 392 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The two co-accused persons in this case have been granted bail by the co-ordinate bench of this Court in M.Cr.C No. 7352/2017, order dated 17.01.2018. The present applicant have also a similar case,

hence, it is prayed that the applicant may also be enlarged on bail.

3. Learned counsel for the State opposes the bail application and submits that in the statement given by the complainant, there is a direct evidence against this applicant, hence, he is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. Complainant - (Manoj Kumar Yadav) lodged FIR stating that on the date of incident he withdrew an amount of Rs. 24, 000 /- from S.B.I, ATM, Railway Station, Raipur, It was at that time the applicant and two others got hold to him and forcefully looted the amount from his possession. Hence, this case.
6. Considered on the submission, taking into consideration that the two co-accused persons have been granted bail by the co-ordinate Bench of this Court in M.Cr.C No. 7352/2017, order dated 17.01.2018, the present applicant have a similar case, hence, on the ground of parity the applicant deserves to be enlarged on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd /-
(Rajendra Chandra Singh Samant)
Judge