

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5795 of 2017**

Sushant Basak, S/o Dulal Basak, Aged about 28 years, R/o Futkala Colony,
Quarter No.83, III Floor, P.S. Begampur, District Bahari Delhi, Delhi (India)

---- Applicant**Versus**

State of Chhattisgarh, Through P.S. - Supela Out Post Vaishali Nagar,
District Durg (C.G.)

---- Non-applicant

For Applicant	:	Mr. Arun Kochar, Advocate.
For Non-applicant/State	:	Mr. R.N. Pushty, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****15/05/18**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who have been arrested in connection with Crime No.1083/2014 registered at Police Station Supela, Out Post Vaishali Nagar, District Durg (C.G.) for the offence punishable under Sections 420, 467, 468, 471 & 120-B read with Section 34 of the Indian Penal Code.

2. Case of the prosecution, in brief, is that on account of abetment and abduction by the present applicant along with other co-accused, Manish Jaiswal and Sandhya Jaiswal with their son committed suicide in the intervening night of 24th & 25th of December, 2014 and thereby the applicant

committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant is in jail since 06-09-2015 and the charge-sheet against the applicant under Section 306 of the IPC has already been quashed and his case is identical to that of the co-accused Niteen Sorya @ Raj who has been granted bail by this court passed in M.Cr.C. No.1790 of 2018 on 02-04-2018, charge-sheet has already been filed, therefore, the applicant may be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case, further taking into consideration the nature and gravity of the offence, role of the applicant, case of the applicant is identical to that of co-accused Niteen Sorya @ Raj who has been similarly situated has been released on bail by order 02-04-2014, passed in M.Cr.C. No.1790 of 2018, material available on record, looking to the pre-trial detention and the charge-sheet has been filed, this Court is of the opinion that present is a fit case in which the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. 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.

Sd/-
(Sanjay K. Agrawal)
Judge

Kvr