

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3499 of 2018**

- Chandrika Yadav S/o Gopnath Yadav Aged About 37 Years R/o- Village- Kunjara, Tahsil- Kunkuri, Police Station- Kunkuri, District- Jashpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Duldula, District- Jashpur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Malay Shrivastava, Advocate
For respondent/State	: Shri Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****09.7.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, for grant of bail to the applicant who has been arrested on 31.12.2017 in connection with Crime No.68/2017 (wrongly mentioned as 66/2017 in the memo of appeal), registered at Police Station Duldula, District Jashpur (CG) for the offence punishable under Sections 457, 380, 34 of the Indian Penal Code.

2. Case of the prosecution is that one Ajay Sahu lodged a report at Police Station Duldula that unknown persons have committed theft in his house. On the basis of the report, offence was registered against unknown persons and during course of investigation, on the basis of memorandum, the applicant and other co-accused persons have been arrested.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the instant case, he is in jail since 31.12.2017. He further submits that the case of the present applicant is similar to the case of other co-accused persons who have been granted bail this Court vide order dated 26.6.2018 by in MCRC No.3815 of 2018, therefore, present applicant may also be released on bail on the ground of parity.

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

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

6. Considering the facts and circumstances of the case, the fact that the offence is triable by Magistrate, the trial will take some time, pre-trial detention of the applicant and also taking note of the fact that other co-accused persons have already been released on bail, I am inclined to release the applicant on bail.

7. Accordingly, application filed under Section 439 of the CrPC 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 local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Sd/-

(Ram Prasanna Sharma)

JUDGE