

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 3689 OF 2018

Rashid S/o Abdul Hafiz, aged about 37 years, R/o village Jagdishpur, PS Fulpur, District Ajamgarh (Uttar Pradesh).

... Applicant

Versus

State of Chhattisgarh, through Station Police Station Seetapur, District Surguja (CG).

... Respondent

For Applicant	:	Shri Sunil Tripathi, Advocate.
For Respondent-State	:	Shri Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18.06.2018

1. This is second bail application seeking for grant of bail to the Applicant who is in jail since 27.07.2017 in connection with Crime No.130 of 2017 registered at Police Station Seetapur, Distt.Surajpur for the offence punishable under Sections 379,411 and 414/34 IPC. The first bail application was rejected on 28.03.2018.
2. As per prosecution case, the applicant in connivance with other co-accused person is said to have stolen a Scorpio Jeep and is said to have thereafter given the said vehicle to one Ibrahim for changing the colour so that it can be taken to a different place for further sale.
3. Learned Counsel for the applicant submits that the applicant is in jail since 27.07.2017, the co-accused person in the instant case namely Ibrahim from whose possession the vehicle was recovered have already been granted bail by the co-ordinate bench of this court on 12.04.2018 in M.Cr.C. No. 995 of 2018 and further there is delay in conclusion of trial inasmuch as till date not a single witness have

been examined on behalf of the prosecution, and therefore the present applicant may also be granted bail on the ground of parity.

4. This submission of the applicant is opposed by the State counsel on the ground that the bail application of the applicant have already been rejected on merit.
5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking note of the fact that other co-accused person have already been granted bail by the co-ordinate Bench of this Court; the applicant is in jail since 27.07.2017 and till date not a single witness have been examined on behalf of the prosecution, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge