

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 5578 of 2018

- Rocky Kumar Kashyap, Aged about – 24 years, S/o Dilip Kumar Kashyap, R/o Vill- Salkhan, P.S. & Tah.- Shivrinarayan, Dist.-Janjgir-Champa (C.G.)

---- Applicant

Versus

- State of Chhatisgarh Through- S.H.O., Navagarh, P.S. & Tah.- Navagarh, Dist.- Janjgir-Champa (C.G.)

---- Non-Applicant/State

For Applicant : Shri Ravindra Sharma, Advocate

For State : Shri Dheeraj Wankhede, Government Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14.11.2018

1. This is the first bail application filed under Section 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 25.05.2018 in connection with Crime No. 26/2018 registered at Police Station Nawagarh, District Janjgir-Champ (C.G.) for the offence punishable under Section 457 & 380 of IPC.

2. The case of the prosecution against the applicant is that the present applicant and co-accused is said to have entered into the house of complainant Saroj Sahu and committed theft of two mobile-sets, one DTH reciever (Tata-Sky).

3. Counsel for the applicant submits that the co-accused has already been enlarged on bail by this Court on 12.07.2018 in M.Cr.C. No. 4446 of 2018 and present applicant also deserves to be released on bail on ground of parity. Counsel for the applicant further submits that from the possession of the applicant, one mobile-set worth Rs.500/-, cash of Rs.500/- and one DTH reciever (Tata-Sky) were recovered. According to the counsel for the applicant, none of these recoveries have been proved to show them to have been stolen from the house of the complainant. Counsel for the applicant also submits that the present applicant has

already remained in custody for the period of about six months and thus, the applicant may be released on bail.

4. The State counsel, however, opposing the bail application of the applicant submits that the applicant has a past record against him, therefore, seems to be a habitual offender, the present applicant thus does not deserve to be released on bail.

5. Having heard contention put forth by either side, particularly taking note of the period of custody undergone and also taking note of fact that the co-accused has already been released on bail, this court is of the opinion that the applicant has made out a fit case for grant of bail.

6. Accordingly, the application for grant of bail deserves to be and is allowed. It is ordered that the applicant shall be released on bail on his executing 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. The applicant shall thereafter appear before the trial Court on each and every date given by the said Court.

Sd/-

(P. Sam Koshy)
Judge