

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C. No. 7846 of 2017**

Shivshankar @ Mantri, S/o. Vimal Chouhan, Aged About 34 Years, R/o. Saliya Toli, P. S. Kunkuri, Present Address Duldula, Tahsil and Police Station Duldula, District Jashpur Chhattisgarh.

---- Applicant

**Versus**

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

---- Respondent

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| For Applicant        | : Mr. Vivek Tripathi, Advocate |
| For Respondent/State | : Mr. Anupam Dubey, Dy. G.A.   |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board****22/02/2018**

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 has been arrested in connection with Crime No.22/2017, registered at Police Station – Duldula, District – Jashpur (C.G.) for the offence punishable under Section 384, 406, 420, 120-B, 201 of the Indian Penal Code and Section 3 (1) (r) (s) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Section 66-B, 66-C, 66-D of I.T. Act (as per charge-sheet).
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. In this case Ajay

Gupta is the main accused, who has been granted bail by the Coordinate Bench of this Court in M.Cr.C.4197/2017 vide order dated 28.11.2017, applicant was the servant of the main accused person and he was not involved in the crime committed in any manner. Applicant is in jail since 20.05.2017 and is ready to abide by all the conditions imposed for grant of bail, hence, it is prayed that the applicant be granted bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that according to the CCTV footage applicant has also associated in the commission of crime by withdrawing amount using ATM card of the complainant., hence, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Brief facts of the case are that complainant – Smt. Puniya Devi has lodged FIR alleging in it that co-accused Ajay Kumar Gupta looted the pass-book and ATM card of her husband for the account in SBI Duldula. After putting her husband under threat, the main accused has on various occasions withdrawn the amount of salary from the bank account of her husband because of which she is living life of penury. On that basis, FIR was lodged and the role of this applicant was mentioned that he was the servant of the main accused and he assisted in commission of crime.
6. Considered the submissions made and the contents of the case diary. As the main accused in this case has been granted bail by the

Coordinate Bench of this Court on that basis this applicant is also deserves to be granted bail on the ground of parity, hence for this reason, 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.
8. It is directed that 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.

Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge