

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1135 of 2019

Brijesh @ Pankaj Kurre, S/o. Late Ravishankar, Aged About 19 Years, R/o. Ashok Nagar, Khamtarai, Police Station- Sarkanda, District- Bilaspur, Chhattisgarh.

.....Applicant

-Versus -

State Of Chhattisgarh, Through The Station House Officer, Police Station- Kota, District- Bilaspur, Chhattisgarh.

.....Respondent

For Applicant : Mr. Rajat Agrawal, Advocate

For Respondent : Mr. R.K.Bhagat, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13.03.2019

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.308/2017 registered at Police Station- Kota, District Bilaspur (C.G.) for the offence punishable under Sections 392, 34, 201 of Indian Penal Code. The first bail application was dismissed on merit on 03.05.2018 and second bail application was dismissed as withdrawn on 29.10.2018.
2. As per the prosecution case, a report was made by Ganesh Chandra that on 16.10.2017 while coming with some collection of cash amount two persons came in motorcycle and threw chilli powder on the eye and looted Rs.1,60,000/-. Thereafter, the applicant was arrested and put to test identification parade and he was identified.
3. Learned counsel for the applicant submits that the another co-accused Rahul Yadav has been enlarged on bail by the coordinate

Bench of this Court on 23.07.2018, therefore, the present applicant who is in jail since 25.11.2017 may also be released on bail.

4. Per contra, State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that the coordinate Bench of this Court has enlarged the other co-accused on bail.
5. Perused the case diary, documents and order dated 23.07.2018. Taking into fact that the applicant is in jail since 25.11.2017 and one co-accused has already been enlarged on bail by the coordinate Bench of this Court and further on the ground of delay, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing 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, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge