

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5939 of 2020

- Sachin Patle S/o Bedram Patle Aged About 20 Years Resident Of Village- Keshla, P.S. Bilha, District Bilaspur, Chhattisgarh

---- Appellant

In Jail

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Chakarbhatha, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Shri V.P. Kaushik, Advocate
For Respondent/State	:	Shri Dinesh Tiwari, Dy. Govt. Adv.

Hon'ble Shri Gautam Chourdiya, J

Order On Board

27/11/2020

1. This is an application filed under Section 439 of CrPC for grant of bail to the applicant as he is arrested in connection with Crime No.136/2020 registered at Police Station – Chakarbhata, Distt. Bilaspur (CG) for the offence punishable under Sections 457 and 380 of IPC.
2. The applicant along with co-accused Deepak Banjare, Aman Soni and Shyam Soni committed theft of three motorcycles and one mobile phone during the night of 10.6.2020. One motorcycle has been recovered from the present applicant.
3. Learned counsel for the applicant submits that the applicant is an innocent person and falsely implicated in this crime. The applicant is in jail since 6.8.2020 and conclusion of the trial is likely to take some

time. He submits that similarly situated co-accused Deepak Banjare has already been released on regular bail by the co-ordinate Bench of this Court vide order dated 20.10.2020 passed in MCRC No.5934/2020 and therefore, the present applicant be also released on bail on the ground of parity.

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

5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicant and in particular the fact that similarly situated co-accused Deepak Banjare has already been granted regular bail by the co-ordinate Bench of this Court, without expressing any opinion on merits of the case, this Court is inclined to release the applicant on bail on the following conditions:

(i) the applicant shall appear before the concerned Police Station on first day of every month during pendency of the trial,

(ii) if the applicant commits any other offence of similar nature during pendency of the present trial, this bail order shall automatically lose its efficacy and in that event, the concerned police shall be entitled to arrest the applicant upon submitting information to the trial Magistrate;

(iii) the applicant shall furnish a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court;

(iv) the applicant shall appear before the trial Court on each and

every date given by the said Court.

6. Accordingly, the bail application is allowed.

7. Certified copy as per rules.

Sd/

(Gautam Chourdiya)

Judge

Khan