

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6301 of 2020

Mohammad Barik, S/o Shri Mohammad Farrukh, Aged About 37 Years,
R/o Ward No. 15, Patper Dafai, Jhagrakhand, Police Station
Jhagrakhand, Tahsil Manendragarh, District- Koriya (Baikunthpur)
(C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station
Jhagrakhand, District- Koriya (Baikunthpur) (C.G.)

--- Respondent

For Applicant : Mr. C. Jayant K. Rao, Advocate.
For State/ Respondent : Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05/10/2020

1. This is the second 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. 16/2019, registered at Police Station- Jhagrakhand, District- Koriya (Baikunthpur) (C.G.) for the offence punishable under Section 420, 467, 468, 120-B, 34 of IPC.
2. Earlier the first bail application MCRC No. 5410/2019 was dismissed on 03.10.2019 on merits.
3. Learned counsel for the applicant submits that the applicant is in jail since 05.07.2019 and has been falsely implicated in this

case. The new development that has taken place is that one co-accused namely Abhineet Yadav has been granted bail by Coordinate Bench vide order dated 11.08.2020 in MCRC No. 1685/2020. It is further submitted that this applicant has better case than the co-accused, who has been granted bail, therefore, this change in circumstances on the basis of which, this applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application submitting that the earlier bail application of this applicant has been decided on merits by detailed order. Looking the fact against him and that there is no change in circumstances, therefore, he is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
5. Heard counsel for both the parties and perused the records.
6. There is no need to consider on the prayer made by the applicant on the basis of merits. The role of the applicant in the incident had been to direct the other co-accused persons, who received amount from victims in deceitful manner. The co-accused Abhineet Yadav is one of the persons.
7. Considering that the co-accused Abhineet Yadav has been granted bail by the Coordinate Bench and the commission of the applicant appears to be similar, if not better than the case of that co-accused, therefore, I am of the view that it would be proper to release the applicant on regular bail on the ground of parity. Hence, I feel inclined to grant bail to the applicant in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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

Arun