

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7143 of 2020

1. Sahil Kesharwani S/o Late Dharmendra Kesharwani, Aged About 22 Years, R/o Behind F.C.I. Godown, Manendragarh, District Koriya (C.G.).

---- Applicant

Versus

1. The State Of Chhattisgarh, Through Police Station Manendragarh, District Koriya (C.G.).

---- Respondent

For Applicant	: Shri Hemant Kumar Agrawal, Advocate.
For Respondent/State	: Miss Veena Nair, Dy. Advocate General.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

08/12/2020

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 02/07/2020 in connection with Crime No. 222/2020 registered at Police Station Manendragarh District Koriya (C.G.) for the offence under Sections 394/34 of IPC.
- 2) Allegation against the applicant is that the present applicant alongwith two co-accused namely Karan Soni @ Rohit and Naveen Kashyap looted Rs. 10,000/- cash and 2 mobile sets and also assaulted the victim Rajaram at about 11 am on 01/07/2020. On report being lodged to the above effect, offence under the aforesaid sections has been registered against the applicant.
- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant is in jail since 02/07/2020 and conclusion of the trial is likely to take some time. Lastly he

submits that in this case similarly situated co-accused persons namely Karan Soni @ Rohit in MCRC No. 5942 of 2020 and Naveen Kashyap in MCRC No. 7127 of 2020 have already been released on bail by Co-ordinate Bench vide order dated 04/11/2020. Therefore, the present applicant be also granted bail on the ground of parity.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the fact that the charge sheet has already been filed, the applicant is in jail since 02/07/2020, offence is triable by the JMFC and the trial is likely to take some time for disposal and that similarly situated co-accused have already been granted regular bail by the Co-ordinate Bench of this Court, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of applicant executing a personal bond for a sum of **Rs. 50,000/-** with **one** surety of Rs. 50,000/- to the satisfaction of the concerned Trial Court, he shall be released on bail. He is directed to appear before the Trial Court on each and every date given to him by the said Court, till disposal of the trial.
- 6) It is made clear that the applicant shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stands cancelled without further reference to the Bench.

-Sd/-
(Gautam Chourdiya)
Judge