

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7725 of 2021

Mukesh Yadav, S/o Siyaram Yadav, Aged About 20 Years, R/o Village-Navadih, P.S. Seepat, District- Bilaspur (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through : The District Magistrate, District- Janjgir-Champa (C.G.)

--- Respondent

For Applicant : Mr. Tarun Dansena, Advocate.

For State/ Respondent : Mrs. Smita Jha, Panel Lawyer

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

01/11/2021

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 on 20.06.2021 in connection with Crime No. 197/2021, registered at Police Station- Balouda, District- Janjgir- Champa (C.G.) for the offence punishable under Section 392 read with Section 34 of I.P.C.
2. Case of the prosecution in brief is that on 19.06.2021, the present applicant and other co-accused persons have looted Rs. 800/- cash from Laxmi Narayan Bareth and mobile from the complainant. On 20.06.2021, the accused persons have been arrested in forest area of Village- Khisora and seized the mobile phone and used offending vehicle.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in the crime in question, applicant is in jail since 20.06.2021, the trial is likely to take some time for its final disposal. He would further submit that case of the present applicant is similar to the case of other co-accused person namely Aakash Kumar Yadav, who has been granted bail by Coordinate Bench of this Court vide its order dated 16.09.2021 passed in MCRC No. 6222 of 2021, therefore, the applicant may be enlarged on bail on

the ground of parity.

4. On the other hand, learned counsel for the State opposes the bail application submitting that there is clear allegation against the applicant regarding commission of offence. Hence, the application for grant of bail may be rejected.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considered the facts and circumstances of the case, the fact that the other co-accused person has already granted bail by Coordinate Bench of this Court and further, considering the fact that the applicant is in jail since 20.06.2021, final report has already been submitted, the trial will take some time, I am of the opinion that it is a fit case to grant bail to the applicant.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that in the event of applicant's executing personal bond for a sum of Rs. 2,00,000/- with two sureties of Rs. 1,00,000/- to satisfaction of the concerned trial court, he shall be released on bail on the following conditions:-
 - (i) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.
 - (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial.
 - (iii) He shall appear before the trial court on each and every date given to him by the said court till disposal of the trial.
 - (iv) He shall not involve himself in any offence of similar nature in future.

Certified copy today.

Sd/-
(Narendra Kumar Vyas)
Judge