

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8674 of 2020**

Rakesh Dewangan, aged about 26 years, S/o Bihari Lal Dewangan, R/o Dongipara, Ward No.04, Kondagaon, District Kondagaon (CG).

---- Applicant**Versus**

State Of Chhattisgarh, through Police Station of Azad Chowk, Raipur, District Raipur (CG).

---- Non-applicant

For Applicant	:	Mr. Pallav Mishra, Advocate.
For Non-applicant	:	Mr. D.C. Verma, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

18.01.2021

1. This is third bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court nor decided by Hon'ble Supreme Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.167/2018 registered at Police Station Azad Chowk, Raipur for the offence punishable under Sections 394, 395 & 397 of Indian Penal Code.
3. The first and second bail applications of the applicant were rejected on merits by this Court vide orders dated 14.11.2018 and 22.06.2020 passed in M.Cr.C. No.8299/2018 and M.Cr.C. No.1748/2020 respectively considering *prima facie* case against him.
4. Case of the prosecution, in brief is that complainant Prashant Sharma was engaged to collect the sale amount from different liquor shop and deposit it in the office of Writer Safeguard Company Private Limited situated at Sunder Nagar. In the intervening night from 14.07.2018 to 15.07.2018 he was going to the said office to deposit the cash amount which was collected from different wine shops, which was of Rs.31,22,950/- and was kept in the black bag of said company. On the way six persons who came from four wheeler robbed the aforesaid cash amount from the complainant and caused injury to him. On the memorandum of the applicant, one Ertiga Car, one fake number plate, one black bag of the said company containing Rs.1,49,500/- were seized from him.
5. Counsel for the applicant submitted that the applicant is in jail since 19.07.2018, out of 29 witnesses, only 09 witnesses have been examined

before the trial Court, as per the order dated 27.10.2020 of Hon'ble Supreme Court co-accused Sheikh Amzad has already been released on bail. He drew my attention on the enclosed photocopy of the Hon'ble Supreme Court, which is the part of bail application.

6. On the other hand, counsel for the State opposed the bail application. However, he submitted that no criminal antecedent is reported against the applicant as per police case diary.

7. Perused M.Cr.C. No.7734/2019 wherein the second bail application of co-accused Sheikh Amzad was rejected by this Court vide order dated 09.12.2019 considering *prima facie* case against him. In this case, on the memorandum of the said co-accused, one touch screen mobile Samsung Galaxy, one black bag of the said company containing Rs.15,00,000/- were seized from him. As per enclosed certified copy of Hon'ble Supreme Court passed in SLP (CRL) No.3804/2020, Hon'ble Supreme Court ordered that co-accused Sheikh Amzad shall be released on bail subject to the condition that he will have to appear before the concerned police station between 11.00 A.M. to 12.00 Noon once in a week. The trial Court may impose any other condition as it may deem fit to impose upon him.

8. Looking to the above mentioned facts and circumstances of the case, this Court finds that the case of the applicant Rakesh Dewangan is not sever than the case of co-accused Sheikh Amzad, who has already been released on bail by the Hon'ble Supreme Court. In other words, this Court finds that the case of the applicant Rakesh Dewangan is identical to the case of the co-accused Sheikh Amzad. Consequently, this Court finds that the principle of parity is applicable in favour of the applicant Rakesh Dewan, hence the third bail application of the applicant is **allowed** and it is ordered that the applicant Rakesh Dewangan shall be released on bail subject to condition that he will have to appear before the concerned police station between 11.00 A.M. to 12.00 Noon once in a week and the trial Court may impose any other condition as it may deem fit to impose upon him.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE