

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9089 of 2020**

Imran Ahmed Ansari, aged about 31 years, Son of Israil Ansari, R/o Near Prem Kirana Store, Prem Nagar, C/o Jogi Thakur, Kondagaon, Police Station Kondagaon, District Kondagaon (CG).

---- Applicant**Versus**

State Of Chhattisgarh, through Station House Officer, Police Station Azad Chowk, Raipur (CG).

---- Non-applicant

For Applicant	:	Mr. Manish Nigam, 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 second 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, District Raipur for the offence punishable under Sections 394, 395 & 397 of Indian Penal Code.
3. The first bail application of the applicant was rejected on merits by this Court vide order dated 14.08.2019 passed in M.Cr.C. No.4118/2019 considering *prima facie* case against him.
4. Case of the prosecution, in brief is that on 15.07.2018, complainant Prashant Sharma had collected an amount of Rs.31,33,950/- from Wine Shops. He kept the said amount in his bag. When he was going to deposit the said amount in the office of Rider Save Guard Primate Company, Sundernagar, at that time, some unknown persons stopped his motorcycle and snatched the bag and one mobile bearing SIM No.8878971117 from him, they also caused injuries on him. On the memorandum of the applicant, one mobile and one black bag of Rider Save Guard Private Limited Company containing 3 lakh rupees 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 there is no criminal antecedent 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 Imran Ahmed Ansari 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 Imran Ahmed Ansari 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 Imran Ahmed Ansari, hence the second bail application of the applicant is **allowed** and it is ordered that the applicant Imran Ahmed Ansari 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