

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9096 of 2021**

Omprakash @ Dauva Sahu S/o Shivkumar Aged About 20 Years R/o Near Holy Cross School, Sakraha Ghat, Ward No. 16, Kawardha, Police Station And Tahsil Kawardha, District Kabirdham Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Kawardha, District Kabirdham Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Dharmesh Shrivastava, Advocate
For the State	:	Shri Sanjeev Agrawal, P.L.

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board**17/12/2021**

1. The applicant has preferred this first bail application under Section 439 of the Cr.P.C. for grant of bail as he has been arrested on 13/09/2021 in connection with Crime No. 27/2021, registered at Police Station Kawardha, District – Kabirdham (C.G.), for the offence punishable under Sections 457, 380, 34 of Indian Penal Code.
2. Case of the prosecution in brief is that on 27/12/2020 some unknown persons had broken the lock of kitchen of the house of complainant – Sunil Patel and stolen Rs.1,50,000/- from his house. Based on the above facts, present crime was registered against the unknown persons under Sections 457 & 380 of the IPC. During the course of investigation, applicant and other co-accused persons were caught red handed and on the basis of their memorandum, stolen amount was seized from their possession and they were arrested in the present case.

3. Counsel for the applicant would submit that applicant has falsely been implicated in the crime in question as the seizure made is false and fabricated. He would further submit that applicant is in jail since 13/09/2021, co-accused Bablu and Shailesh Patel have already been enlarged on bail by co-ordinate Bench of this Court in MCRC No. 7639 of 2021 and the case of applicant is identical to that accused, hence principle of parity is applicable in this case, charge-sheet has already been filed, therefore, the applicant may be enlarged on bail.
4. On the other hand, the State counsel opposed the bail application.
5. I have heard learned counsel for both the parties and perused the material available on record.
6. Considering the facts and circumstances of the case, nature and gravity of the offence, charge-sheet has already been filed, offences are triable by Judicial Magistrate First Class and also the fact that co-accused have already enlarged on bail by co-ordinate Bench of this Court, I am inclined to grant bail to the applicant. Accordingly, the bail application is allowed.
7. Accused/applicant is directed to be released on bail on executing a personal bond for a sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

CC as per rules.

Sd/-
(Narendra Kumar Vyas)
JUDGE