

(2019) 02 CHH CK 0120

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 685 Of 2019

Sumit Singh Markam

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: Feb. 8, 2019

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 34, 120B, 394

Hon'ble Judges: Goutam Bhaduri, J

Bench: Single Bench

Advocate: Badruddin Khan, R.K. Bhagat

Final Decision: Allowed

Judgement

Goutam Bhaduri, J

1. This is the Second Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has

been arrested on 04.11.2016 in connection with Crime No.256/2016 registered at Police Station Tamnar, District - Raigarh (CG) for the offence

punishable under Sections 394, 34 and 120 (B) IPC.

2. First Bail Application bearing M.Cr.C. No.1632 of 2017 was dismissed as withdrawn on 24.03.2017 with liberty to repeat after examination of the complainant.

3. As per the prosecution case, the present applicant along with the other co-accused persons on 03.11.2016 has looted Rs.2,46000/- from the complainant namely Rakesh Kumar. Thereby the offence has been committed.

4. Learned counsel for the applicant submits that the other co-accused Khemsagar Bhatt @ Lalla has been granted bail by this Court on 10.12.2018

vide M.Cr.C. No.6907 of 2018 & Mayank Yadav has also granted bail on 14.01.2019

vide M.Cr.C. No.332 of 2019 and the case of the present

applicant is similar to that of the co-accused Khemsagar & Mayank Yadav and the applicant is in jail since 04.11.2016, therefore, he may also be

released on bail.

5. State is not able to dispute the fact that the similarly placed co-accused has been granted bail by this Court.

6. Considering the fact that the co-accused has been granted bail and also taking into that the applicant is in jail since 04.11.2016, I am inclined to

release the applicant on bail.

7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/-

with one 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 by the

said Court.