

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3121 OF 2015**

Gautam Kshatriya S/o Basant Kshatriya, Aged about 29 years, R/o Bramhdihi Para, near, Santoshi Mandir Police Station and P.O. Khamtarai, Tahsil & District Raipur (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through Officer-in-Charge, Police Station Khamtarai, Raipur, Tahsil & District Raipur (C.G.)

---Non-applicant

For Applicant	:	Mr. Badruddin Khan, Advocate.
For-Non-applicant	:	Mr. Qamarul Aziz, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****07/07/2015**

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 in connection with Crime No. 477/2014, registered at Police Station Khamtarai, Raipur, for the offence punishable under Section 307, 34 of I.P.C.

2. Case of the prosecution, in brief, is that applicant and two other co-accused persons assaulted victim- Manoj and Lokesh by wooden stick, by which, they suffered grievous injury, which was sufficient to cause death.

3. Learned counsel for the applicant submit that other co-accused person- Rajesh Kumar Nishad has played the similar role as that of the present applicant and he has already granted regular bail by this Court vide order dated 14/05/2015 passed in M.Cr.C. No. 2165/2015 and the role played by the present applicant is identical to that of the other co-accused person,

therefore, the present applicant may also be released on regular bail on the ground of parity.

4. On the other hand, learned counsel for the State submits that case of the present applicant is identical to other co-accused person, who has granted bail by this Court vide order dated 14/05/2015 in M.Cr.C. No. 2165/2015.

5. I have heard the counsel appearing for the parties and perused the case diary.

6. Considering the totality of the facts and circumstances of the case and considering the fact that the applicant is in jail since 27/03/2015 and the fact that similarly situated co-accused namely Rajesh Kumar Nishad has already been granted regular bail by this Court in M. Cr. C. No. 2165/2015 on 14/05/2015, I consider it a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety for the like sum to the satisfaction of the trial Court concerned, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

