

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3402 of 2015

- Bholanath, aged about 43 years, s/o. Shivshankar Dhirhi, r/o. Nipania, P.S. Lalpur, Civil District Bilaspur and Revenue District Mungeli (CG).

---- Applicant

Versus

- State Of Chhattisgarh Through: Police of P.S. Lalpur, Civil District Bilaspur, Revenue District - Mungeli (CG).

---- Respondent

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M.Cr.C.No.3406 of 2015

1. Mahaprasad, aged about 21years s/o. Jwala Prasad.
2. Vishal, aged about 28 years, s/o. Baliram Banjare.
3. Durgesh, aged about 20 years, s/o. Ghanshyam Divakar.

All are r/o. Village Nipania, P.S. Lalpur, Civil District Bilaspur and Revenue District Mungeli (CG).

---- Applicants

Versus

- State Of Chhattisgarh Through: Police of P.S. Lalpur, Civil District Bilaspur, Revenue District Mungeli (CG).

---- Respondent

For Applicants	:	Mr. Pallav Mishra, Advocate.
For Respondent/State	:	Mr. Aditya Sharma Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/7/2015

1. Heard on admission.
2. Admit.
3. Issue notice.

4. Mr. Aditya Sharma, learned Panel Lawyer accepts notice on behalf of the State.
5. With consent of both the parties the matters are heard finally.
6. These are second bail applications. First bail applications were dismissed as withdrawn with liberty to revive the same after filing of charge-sheet.
7. Since the above mentioned two bail applications arise out of same Crime No. 31 of 2015 and common facts of law are involved, therefore, they are heard analogously and are being decided by this common order.
8. The applicants have moved these applications under Section 439 of the Cr.P.C. for grant of regular bail, who have been arrested on 6-2-2015 in connection with Crime No. 31 of 2015 registered at Police Station Lalpur, Mungeli, District Bilaspur(CG), for the offence punishable under Sections 307, 341, 147, 149, 294, 506, 186, 353 and 332 of IPC and Sections 7, 11 (e) and 14(d) of CG Local Authorities (Electoral Offences) Act, 1964.
9. Learned counsel appearing for the applicants would submit that the case of the present applicants is identical to the case of co-accused persons namely Balakdas Dhritlehre, Vishwanath Banjare and Malikram who have already been granted bail vide order dated 17-6-2015 passed by this Court in M.Cr.C.Nos. 2639 of 2015, 2698 of 2015 and 2743 of 2015. Therefore, on the ground of parity present applicants may also be released on bail.
10. On the other hand, learned counsel for the State after verifying the record did not dispute the above contention.
11. I have heard the counsel appearing for the parties and perused the case diary.
12. Taking into consideration all the facts and circumstances of the case, nature and gravity of the offence, applicants have not been named in the FIR, charge-sheet has been filed, pretrial detention of the applicants, no further custodial interrogation is required and further considering the fact that the co-accused persons have already been granted bail, I am of the

considered opinion that *prima facie* these are fit cases where the applicants can be released on bail.

13. Accordingly, the bail applications are allowed. It is ordered that the applicants Bholanath, Mahaprasad, Vishal and Durgesh shall be released on bail on each of them furnishing a personal bond of Rs.25,000/- along with one surety of the like amount to the satisfaction of the trial Court. They shall appear before the trial court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Raju