

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3922 of 2015**

1. Shambhu Dayal Agariya, S/o Ramsingh Agariya, aged about 27 years.
2. Bhup Singh, S/o Shiv Singh, aged about 53 years.

Both are R/o Village Katra, Police Station Marwahi, District -Bilaspur (C.G.)

---- Applicants

Versus

State Of Chhattisgarh Through : Station House Officer, Police of Police Station – Marwahi, District -Bilaspur (C.G.)

---- Non-applicant

For Applicants:	Shri B.P. Singh, Advocate.
For Respondent/State:	Shri R.K. Mishra, Deputy Advocate General for the State.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

11/08/2015

Heard.

(1) The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 23/15 registered at Police Station Marwahi, District Bilaspur for the offences punishable under Sections 147, 148, 353, 332, 435, 458, 427, 395 & 171 (अ) of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that the present applicants along with other 20 co-accused persons after completion of election robbed ballot papers at voting centre

No.60 at Marwahi and burnt the same and thereafter they also damaged the property of the said polling centre and thereby committed the aforesaid offences.

(3) Learned counsel appearing for the applicant would submit that the applicant is innocent person and he has falsely been implicated in the crime in question. He would further submit that co-accused person namely Prakash Pao has already been granted regular bail by this Court vide order dated 13.07.2015 in M.Cr.C.No. 3242/2015. He further submits that applicant is in jail since 02.02.2015; no custodial interrogation is required and, as such, no useful purpose would be served in keeping him in jail and, therefore, he may also be entitled for bail on the ground of parity.

(4) On the other hand, learned counsel for the State, after verifying the records, would submit that present case is similar to that of accused persons, who have already been granted regular bail by this Court vide order dated 13.07.2015 in M.Cr.C. No. 3242/2015.

(5) Considering the totality of the facts, in particular the fact that co-accused person has already been granted regular bail by this Court vide order dated 13.07.2015 in M.Cr.C. No. 3242/2015; applicant is in jail since 02.02.2015; charge sheet has already been filed & no custodial interrogation is required; this court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

(6) Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of

Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to 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

D/-