

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4152 OF 2015**

Kastur @ Rohit, S/o Laxmi Prasad Dhritlehre, aged about 32 years, R/o Nipania, P.S. Lalpur, Revenue District Mungeli, Civil District Bilaspur (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through:- Station House Officer, P.S. Lalpur, Dist.- Mungeli (C.G.)

---Non-applicant

And**M.Cr.C. No. 4157 OF 2015**

Bisouha S/o Punaauram Dhritlehre, aged about 60 years, R/o Nipania, P.S. Lalpur, Revenue District Mungeli, Civil District: Bilaspur (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through Station House Officer, P.S. Lalpur, Dist. Mungeli (C.G.)

---Non-applicant

For Applicants	: Mr. Pallav Mishra, Advocate
For Non-applicant	: Mr. Aditya Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****12/08/2015**

1. Above mentioned two bail applications arise out of a common Crime No. 31/2015, registered at Police Station Lalpur, Revenue District Mungeli, Civil District Bilaspur, for the offence punishable under Sections 307, 341, 147, 149, 294, 506, 186, 353 and 332 of I.P.C. and Sections 7, 11(e) and 14(d) of C.G. Local Authorities (Electoral Offences) Act, 1964 therefore, they are being heard analogously and decided by this common order. All the two are second bail applications filed under Section 439 of the Cr.P.C.

2. The case of the prosecution, in brief, is that, present applicants along with other co-accused persons assaulted the polling party and presiding officer of polling party, namely, Ramgopal Verma-Head Master when they were returning after election duty and interfered with their Governmental duty.

3. Learned counsel appearing for the applicants would submit that other co-accused person Bholanath has played the similar role as that of the present applicants and he has already granted regular bail by this Court vide order dated 15/07/2015 passed in M.Cr.C. No. 3402/2015 and the role played by the present applicants are identical to that of the other co-accused person. Therefore, the present applicants may also be released on regular bail on the ground of parity.

4. On the other hand, learned counsel for the State would submit that case of the present applicants is identical to other co-accused person, who has granted bail by this Court vide order dated 15/07/2015 in M.Cr.C. No. 3402/2015.

5. I have heard learned 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 applicants are in jail since 06/02/2015 and the fact that similarly situated co-accused namely Bholanath has already been granted regular bail by this Court in M.Cr.C. No. 3402/2015 on 15/07/2015, I consider it a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the second bail applications (M.Cr.C. Nos. 4152/2015 & 4157/2015) filed under Section 439 of the Code of Criminal Procedure are

allowed. It is directed that applicants namely, Kastur @ Rohit and Bisouha shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari