

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4229 of 2015**

Rocky @ Ravi Tiwari, S/o Shri Ashwani Tiwari, aged about 25 years, R/o village Kesda, Police Station Simga, Civil and Revenue District Baloda Bazar- Bhatapara, District Baloda Bazar – Bhatapara (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through: Station House Officer, Police of Police Station – Simga, District – Baloda Bazar- Bhatapara (C.G.)

---- Non-applicant

And**MCRC No. 4265 of 2015**

Surya Shanker Kurre, son of Brijlal Kurre, aged about 38 years, R/o. Village Dhodha, P.S. Bhatapara Gramin, District Balodabazar-Bhatapara (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through: Station House Officer, P.S. – Simga, District – Baloda Bazar- Bhatapara (C.G.)

---- Non-applicant

For Applicant: Mr. Uttam Pandey, Advocate in M.Cr.C. No. 4265/2015.

For Applicant: Mr. Anil Gulati, Advocate in M.Cr.C. No. 4229/2015.

For Non-applicant/State: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

24/08/2015

Heard.

(1) Above mentioned two bail applications filed under Section 439 of the Cr.P.C. arise out of a common Crime No.135/2015, registered at Police Station Simga, District – Baloda Bazar, Bhatapara (C.G.), for the offence punishable under Sections 147, 186, 332 & 353 of the Indian Penal Code, therefore, they are being heard analogously and decided by this Common Order.

(2) Case of the prosecution, in brief, is that the applicants and other co-accused persons deterred the public servants from performance of their public duty and also used criminal force upon them by which eight persons (police officer on duty) suffered simple injuries, and thereby committed the offence.

(3) Counsel for the applicants in both the cases would submit that applicants are innocent person and they have falsely been implicated in the crime in question. He would further submit that co-accused person namely Devcharan, Sahdev & Sukhchand @ Kekadu have already been granted regular bail by this Court vide order dated 11.08.2015 in M.Cr.C. Nos. 3625/2015 & 3881/2015 and, therefore, the present applicants 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 person, who have already been granted regular bail by this Court vide order dated 11.08.2015 in M.Cr.C. Nos. 3625/2015 & 3881/2015. He would further submits seven criminal case are registered against applicant Rocky @ Ravi Tiwari.

(5) Learned counsel for the applicant would submit that five

cases, registered against the applicant, have already been closed.

(6) Considering the totality of the facts, in particular the fact that co-accused persons have already been granted regular bail by this Court vide order dated 11.08.2015 in M.Cr.C. Nos. 3625/2015 & 4229/2015; this court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

(7) Accused/applicants – Rocky @ Ravi Tiwari & Surya Shanker Kurre 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/-