

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4180 OF 2015**

Santosh Kumar Barman, aged about 39 years, S/o Harinath Barman, R/o District Hospital Campus, Government Quarter, Janjgir, P.S. and Post Janjgir, Civil and Revenue District Janjgir-Champa (C.G.)

---Applicant

Versus

State of Chhattisgarh, through Police Station Hasaud, District Janjgir-Champa (C.G.)

---Non-applicant

M.Cr.C. No. 4276 OF 2015

1. Smt. Pooja, aged about 30 years, wife of Setram Sahu,
 2. Ku. Setbai, aged about 27 years, daughter of Kriparam Sahu,
 3. Ku. Vidya, daughter of Jhadiram Sahu, aged about 25 years,
- All are resident of Chisda, Police Station Hasaud, Tahsil Jaijaipur, District Janjgir Champa (Chhattisgarh)

---Applicants

Versus

State of Chhattisgarh through the Station House Officer, Police Station Hasaud, District Janjgir-Champa (Chhattisgarh)

---Non-applicant

AND**M.Cr.C. No. 4303 OF 2015**

1. Kirtan, son of Sammelal Satnami, aged about 30 years,
2. Saroj, son of Samaroo Sahu, aged about 31 years,
3. Ashok Sahu, son of Samaroo Sahu, aged about 28 years,

All are resident of village Chisda, Post Office Hasoud, Police Station
Hasoud, Civil and revenue District Janjgir Champa (Chhattisgarh)

---Applicants

Versus

State of Chhattisgarh through the Station House Officer, Police Station
Hasoud, Civil and Revenue District Janjgir Champa (C.G.)

---Non-applicant

For Applicant : Mr. Manoj Paranjpe, Advocate in M.Cr.C. No. 4180/2015.
For-Applicants : Mr. Kamal Kishor Patel in M.Cr.C. Nos. 4276/2015 &
4303/2015.
For Non-applicant : Mr. Vivek Singhal, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

25/08/2015

1. Above mentioned three bail applications arise out of a common Crime No17/2015, registered at Police Station Hasaud, District Janjgir-Champa (C.G.), for the offence punishable under Sections 147, 148, 149, 427, 324, 342, 394, 332, 186, 353, of the Indian Penal Code, Sections 131, 135, 135-A, 136 of the Representation of People Act and Section 3 of the Prevention of Public Property Damages Act, therefore, they are being heard analogously and decided by this common order. All the three are first bail applications filed under Section 439 of the Cr.P.C.

2. Case of the prosecution, in brief, is that, on 29/01/2015 after declaration of result of election of Gram Panchayat Chisda, the applicants along with other co-accused persons assaulted S.D.O. (Revenue) & S.D.O.

(Police), who were engaged in the election duties, and also damaged their vehicles and thereby committed the aforesaid offences.

3. Mr. Manoj Paranjpe, learned counsel appearing for the applicant in M.Cr.C. No. 4180/2015 and Mr. Kamal Kishor Patel appearing for the applicants in M.Cr.C. Nos. 4276/2015 & 4303/2015 submit that other co-accused person, namely, Sampatlal has played the similar role as that of the present applicants, who has already granted regular bail by this Court vide order dated 05/08/2015 passed in M.Cr.C. No. 1290/2015 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, Mr. Vivek Singhal, learned counsel appearing for the State submits that case of the present applicants is identical to other co-accused person namely Sampatlal, who has granted bail by this Court vide order dated 05/08/2015 passed in M.Cr.C. No. 1290/2015.

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

6. Taking into consideration the facts and circumstances of the case; looking to the nature and gravity of the offence; considering their role in the offence in question and the fact that they are in jail since 04/07/2015, 29/01/2015 respectively; charge sheet has already been filed; no custodial interrogation is required and particularly the order passed by this Court on 05/08/2015 in M.Cr.C.No. 1290/2015 granting regular bail to the other accused person, this Court is of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail applications (M.Cr.C. Nos. 4180/2015,

4276/2015 and 4303/2015) filed under Section 439 of the Code of Criminal Procedure are allowed.

8. It is directed that applicants namely, Santosh Kumar Barman, Smt. Pooja, Ku. Setbai, Ku. Vidya, Kirtan, Saroj, and Ashok Sahu 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 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.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari