

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6102 of 2015

- Roshan Singh, S/o Budhlal Porte, Aged About 29 Years, Caste Gond, R/o Village Surta, P.S. & Tehsil Ramanujnagar, Rev. & Civil Distt. Surajpur, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through S.H.O. Ramanujnagar, Rev. & Civil Distt. Surajpur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Sarfaraj Khan, Advocate
For the Respondent	:	Mr. Omprakash Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01.12.2015

1. This is an application filed under section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant in connection with Crime No. 117/2014 registered at Police Station Ramanujnagar, Distt. Surajpur for the offences punishable under sections 147, 148, 149, 294, 307 & 302 IPC.
2. As per the prosecution case, the present applicant alongwith 7 other accused have assaulted Sunder Yadav, aged about 70 years, as a result he sustained injuries and died during the course of treatment.
3. Learned counsel for the applicant submits that the complainant and others were aggressors as they have assaulted the applicant party, for which a case was registered in the police station against the complainant party being Crime No.116 of 2014 and as a counter blast, the complainant and others have also lodged report against the present applicant being Crime No.117 of 2014. He further submits that the co-accused against whom similar allegations were levelled have been enlarged on bail by the coordinate Bench in M.Cr.C.No. 291/2015 vide order dated 09.02.2015, therefore, on parity, the present applicant may also be enlarged on bail.

4. On the other hand, learned State Counsel though opposes the prayer for grant of bail but after verification he submits that the case of other co-accused, against whom similar allegations were levelled have been enlarged on bail, is not different from that of the present applicant.
5. Having regard to the fact that the similarly placed co-accused have been enlarged on bail in M.Cr.C.No. 291/2014 and M.Cr.C.No. 973/2015 and the applicant is stated to be in jail since 09.12.2014, I am inclined to allow the bail petition of the present applicant.
6. Accordingly the application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He shall appear before the trial Court as and when directed by the said Court.
7. Cc as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**