

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6213 of 2015

1. Suresh Yadav, son of Rameshwar Yadav, aged about 25 years
2. Jagdish Yadav, son of Rameshwar Yadav, aged about 23 years,
3. Mohan Yadav, son of Brindavan Yadav, aged about 27 years

All by caste Mahkul, resident of village Tukupakhna (Raghunathpur),
Police Station Pathalgaon, District Jashpur (C.G)

Versus

State of Chhattisgarh, through Station House Officer, Police station
Pathalgaon, District Jashpur (C.G.)

For the applicant	:	Mr. J. K. Saxena, Advocate
For the Respondent	:	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23 .11.2015

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.14/2012 registered at Police station Pathalgaon, District Jashpur (C.G) for the offences punishable under sections 302 IPC read with section 34 and 201 IPC.
2. As per the prosecution case, one Kena Parihar was murdered on the apprehension that he has some illicit relation with family members of Rameshwar. It is alleged that accused Rameshwar alongwith the present applicants committed murder of Kena Parihar and the dead body of Kena Parihar was thrown out in a dam after tying the dead body with heavy stones.
3. Learned counsel for the applicants submits that except the last seen theory, no eye witness of the assault is present and on the basis of last seen theory, the applicants have been inculpated. He further submits that co-accused Rameshwar Prasad Yadav has already been enlarged on bail by the co-ordinate Bench of this Court in

M.Cr.C.No.6240 of 2014 on 20.11.2014. Therefore, he claims parity and prays for releasing the applicants on regular bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail. However, he is unable to dispute the fact that similarly placed co-accused Rameshwar Prasad Yadav, who was inculpated on the basis of last seen theory, has been granted bail.
5. I have gone through the case diary and other documents. Considering the fact that similarly placed co-accused has been enlarged on bail vide order dated 20.11.2014 passed in M.Cr.C.No.6240, I am inclined to allow this bail application.
6. Accordingly the application is allowed and the applicants are directed to be released on bail on each of them furnishing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the trial Court. They shall appear before the trial Court as and when directed by the said Court.
7. Cc as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**