

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2876 of 2015**

Dukharam Gond S/o Late Shri Babulal, aged About 56 years
 R/o Village- Bhathani Kala, Thana- Jarhagaon, Tahsil- Mungeli,
 Revenue District- Mungeli, Civil District- Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through: Station House Officer, Police
 Station- Jarhagaon, District- Mungeli, Chhattisgarh

---- Respondent

And

MCRC No. 2879 of 2015

Gayaram, S/o Shivprasad Kashyap, Aged about 70 years, R/o
 village -Bhathali Kala, Thana – Jarhagaon, Tahsil – Mungeli,
 Revenue Distt.- Mungeli, Civil District Bilspurm, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, Police
 Station- Jarhagaon, District- Mungeli, Chhattisgarh

---- Respondent

For Applicants:	Shri Sumit Shrivastava, Advocate.
For Respondent/State:	Shri Anupam Dubey, Deputy Govt. Advocate for the State.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board By****06/07/2015**

Heard.

(1) Above mentioned two bail applications filed under Section 439 of the Cr.P.C. arise out of a common Crime No.166/2014, registered at Police Station Jarhagaon, Distt. Mungeli, for the offence punishable under Sections 307, 147, 148,149, 294, 186, 332 and 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 present applicants along with 15 other co-accused persons were found involved in gambling on the occasion of Diwali festival and on raid conducted by the police party, some persons ran away from the spot whereas some of them arrested by the police party. Allegaion on the present applicants are that, they returned back on the spot with some other person armed with Lathis and assaulted police party and have thrown one constable from the first floor, due to which he suffered injuries which was likelty to cause his death.

(3) Learned counsel appearing for the applicants would submit that the applicants are innocent person and they have falsely been implicated in the crime in question. He would further submit that co-accused persons namely Raju Kashyap & Ajay Kashyap have already been granted regular bail by this Court vide order dated 01.12.2014 in M.Cr.C. No. 6310/2014 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 persons, who have already been granted regular bail by this Court vide order dated 01.12.2014 in M.Cr.C. No. 6310/2014.

(5) 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 01.12.2014 in M.Cr.C. No. 6310/2014; applicants are in jail since 3.6.2015; this court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

(6) Accused/applicants **Dukharam Gond & Gayaram** 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