

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MISC. CR.CASE NO. 3126 OF 2015**

1. Shivprasad Chandra @ Bichchhi, son of Dwarika, aged about 21 years
 2. Tarachand, son of Sukhdev, aged about 24 years, caste Chandra
- Both are resident of Dhobanipali, Police Station Dabhra, District Janjgir Champa (Chhattisgarh).

---Applicants**Versus**

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

---Non-applicant

For Applicants	:	Mr. A.H. Syed, Advocate
For Non-applicant	:	Mr. S.R.J. Jaiswal, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****07/07/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.325/2014 (wrongly mention as 325/15 in order sheet), registered at Police Station Dabhra, Civil and Revenue District Janjgir-Champa (C.G.), for the offence punishable under Sections 307, 353, 147, 148, 149, 186, 332 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that present applicants along with other co-accused persons committed dacoity in the premises of R.K.M. Powergen Private Limited (Power Plant) and also damaged the property worth Rs. 90 Crores and thereby committed offence.
3. Learned counsel for the applicants submit that other co-accused persons- Baliram and Tuleshwar Das Mahant has played the similar role as that of the present applicants and he has already granted regular bail by this Court vide order dated 15/06/2015 passed in M.Cr.C. No. 1008/2015 and the role played by the present applicants are identical to that of the other co-accused persons. He further submits that application of co-accused persons

namely Chhotelal & Tejlal was rejected by this Court in M.Cr.C.No. 6051/2014 and thereafter in S.L.P. (Cri.) Nos. 4266, 4267 & 4268 of 2015 with Criminal Misc. Petition Nos. 8773, 8776 & 8779 of 2015, the Supreme Court of India has granted interim bail to them by order dated 13th May 2015, therefore, the present applicants may be released on bail on the ground of parity.

4. On the other hand, learned counsel for the State submits that case of the present applicants is identical to other co-accused persons, who have granted bail by this Court vide order dated 1008/2015 in M.Cr.C. No. 1008/2015.

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

6. Considering the totality of the facts and circumstances of the case and considering the fact that the applicant No. 1 is in jail since 07/10/2014 and applicant No. 2 is in jail since 13/01/2015 and the fact that similarly situated co-accused namely Baliram and Tuleshwar Das Mahant has already been granted regular bail by this Court in M. Cr. C. No. 1008/2015 on 15/06/2015 and the Hon'ble Supreme Court has granted bail to the similarly situated accused person, I consider it a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Code of Criminal Procedure is allowed. It is directed that applicants namely, Shivprasad Chandra @ Bichchhi and Tarachand 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 concerned trial Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE