

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3685 of 2015**

- Anil Nishad, S/o Shatruhan Nishad, aged about 30 years, R/o Village – Achholi, Near Gandhi Chowk, Post Office – Raipur, Police Station – Urla, Tahsil & District – Raipur (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through: the Station House Officer, Police Station Urla, Raipur, District Raipur (C.G.)

---- Non-applicant

For Applicant: Mr. Shivendu Pandya, Advocate.
For Respondent/State: Mr. Qamrul Aziz, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****04/08/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 75/2015 (as per charge sheet) registered at Police Station – Urla, Raipur, District - Raipur for the offence punishable under Section 307/34 of the Indian Penal Code.

(2) Case of the prosecution is that the present applicant and other co-accused persons have assaulted complainant -Rahul Mourya by wooden stick and axe by which he suffered grievous injuries, which were sufficient to cause his death.

(3) Learned counsel appearing for the applicant would submit that the applicant is innocent person and he has falsely been implicated in the crime in question. He would further submit that co-accused persons have already been granted regular bail by this Court vide order dated 02.07.2015 in M.Cr.C. No. 3029/2015 and, therefore, the present applicant 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 02.07.2015 in M.Cr.C. No. 3029/2015.

(5) Considering the totality of the facts, in particular, the facts that co-accused person has already been granted regular bail by this Court vide order dated 02.07.2015 in M.Cr.C. No. 3029/2015; and the applicant is in jail since 06.04.2015; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his 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. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

