

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4288 of 2015**

1. Pratap Singh Rajput, S/o Uttam Singh, aged about 28 years,
2. Shiv Kumar, S/o Nankiram Kewat, aged about 28 years,

Both are residents of Fokatpara Sarvmangla Road, police Station City Kotwali Korba, Tahsil Post Korba, District Korba (C.G.)

---- Applicants**Versus**

State Of Chhattisgarh Through: Station House Officer,
Police Station -Dipka, District Korba (C.G.)

---- Non-applicant

For Applicants: Mr. Sanjeev Sahu, Advocate.
For Non-applicant/State: Mr. Lov Sharma, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****24/08/2015**

Heard.

(1) The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 53/2013 registered at Police Station Dipka, District Korba (C.G.) for the offences punishable under Sections 294, 323, 353, 186, 427, 342 & 393 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant along with three other co-accused persons entered into the premises of Gevra Colliery, S1 and S2 CHP with intention to commit theft at about 1.00 am in the intervening night of 1st & 2nd May. 2013. Complainant Nand Kishor Thakur, the Chief Security In-charge of SECL witnessed the accused persons and resisted them on which they started pelting stones and assaulted him by hand and fist. The accused persons also tried to snatch the rifle on which it was fired causing death of one of the accused Bhola @ Dhananjay.

(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 first informant Nand Kishor Thakur as well as the witnesses Shyam Bihari Shukla & Somardas, employee of SECL have been examined and co-accused person namely Anish Toppo has already been granted regular bail by this Court vide order dated 30.04.2015 in M.Cr.C. No. 1905/2015 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 person, who have already been granted regular bail by this Court vide order dated 30.04.2015 in M.Cr.C. No. 1905/2015.

(5) Considering the totality of the facts, in particular the fact that co-accused person has already been granted regular bail by this Court vide order dated 30.04.2015 in M.Cr.C. No. 1905/2015; 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 **Pratap Singh Rajput & Shiv Kumar** 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

D/-