

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 4851 OF 2015**

1. Shravan Kumar son of Shri Supalram Gayar aged about 21 years Caste Gayar

2. Premkumar S/o Supalram Gayar aged about 23 years Caste Gayar

Both are R/o village Khantadadh, Police Station and Tahsil Bagicha Civil and Revenue District Jashpur (C.G.)

---Applicants

**Versus**

State of Chhattisgarh, Through the Station House Officer, Police Station Bagicha, Civil and Revenue District Jashpur (C.G.)

---Non-applicant

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|-------------------|---|----------------------------------|
| For Applicants    | : | Mr. Ashok Kumar Shukla, Advocate |
| For Non-applicant | : | Mr. O.P. Sahu, Govt. Advocate    |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****15/09/2015**

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. 88/2015, registered at Police Station Bagicha, District Jashpur (C.G.), for the offence punishable under Sections 147, 148, 341, 323, 294 & 307/34 of Indian Penal Code.

2. Case of the prosecution, in brief, is that on 05/05/2015 at 8 p.m., applicants and other co-accused persons assaulted Kailash Yadav, Naresh Yadav and Jin Yadav and abused them and also caused grievous injuries, which were sufficient to cause their death and thereby committed the aforesaid offences.

3. Learned counsel for the applicants submits that other co-accused

persons have played the similar role as that of the present applicants and other co-accused persons namely Devanand Yadav and Rajeev Ram have already granted regular bail by this Court vide order dated 01/09/2015 passed in M.Cr.C. No. 4401/2015 and the role played by the present applicants is identical to that of the other co-accused persons. Therefore, the present applicants may also be released on regular 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 01/09/2015 passed in M.Cr.C. No. 4401/2015.

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

6. Taking into consideration the facts and circumstances of the case; nature of injuries suffered by the victims and the counter case has also been registered against the injured persons; further considering the facts that applicants are in jail since 29/07/2015; charge sheet has already been filed and particularly considering the fact that similarly situated co-accused persons namely Devanand Yadav and Rajeev Ram have already granted regular bail by this Court vide order dated 01/09/2015 passed in M.Cr.C. No. 4401/2015, this Court is of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. Accused/applicants, namely, Shravan Kumar and Premkumar 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.

**8.** Certified copy as per rules.

Sd/-  
**(Sanjay K. Agrawal)**  
**JUDGE**

Tiwari