

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC NO. 4870 of 2015**

Setram, son of Kriparam Sahu, aged about 36 years, resident of village Chisda, Police Station Hasoud, Tahsil Jaijaipur, Civil and Revenue District Janjgir Champa (Chhattisgarh)

---Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Hasoud, Civil and Revenue District Janugir Champa (CG)

---Non-applicant

For Applicant	:	Mr. K.K.Singh, Advocate
For Non-applicant	:	Mr. S.R.J.Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

16/09/2015

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 applicant who has been arrested in connection with Crime No.18/2015, registered at Police Station-Hasaud, Distt.Janjgir Champa (C.G.), for the offence punishable under Sections 147, 148, 149, 332, 186, 353, 186, 353, 427 & 324 of the IPC, Sections 135 & 136 of the Representation of People Act and Section 3 of the Prevention of Public Property Damages Act, 1984.

2. Learned counsel for the applicant would submit that other co-accused persons have played similar role as that of the present applicant and other co-accused persons namely Sampatlal, Smt.Pooja, Ku.Setbai & Ku.Vidya have already been granted regular bail by this Court vide order dated 13.8.2015 passed in M.Cr.C.Nos.3938/2015 & 4253/2015. Similarly, other co-accused persons namely Kirtan, Saroj, Shashibhusan & Ashok Sahu have also been granted regular bail by this Court vide order dated 31.8.2015 passed in M.Cr.C.No.4358/2015. The role of the present applicant is identical to that of the other co-accused persons who have

been granted regular bail. Therefore, the present applicant may also be released on regular bail on the ground of parity. Present applicant is in jail since 29.1.2015.

3. On the other hand, learned State counsel would oppose the bail application, but submit that case of the present applicant is identical to that of the co-accused persons who have been granted bail by this Court vide order dated 13.8.2015 passed in M.Cr.C.Nos3938/2015 & 4253/2015 and order dated 31.8.2015 passed in M.Cr.C.No.4358/2015.

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

5. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; considering the fact that till this date trial has not been commenced, the applicant is languishing in jail since 29.1.2015 and also considering the fact that trial will take time and particularly the orders passed by this Court on 13.8.2015 in M.Cr.C.Nos3938/2015 & 4253/2015 and on 31.8.2015 in M.Cr.C.No.4358/2015 granting regular bail to the other co-accused persons, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)

JUDGE

B/-