

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5035 OF 2015**

1. Shiv Prasad S/o Kamal Prasad Verma aged 40 years
 2. Parshottam S/o Kamal Prasad Verma aged 48 years
- Both R/o village Jarti P.S. Kawardha District Kabirdham (C.G.)

---Applicants**Versus**

State of Chhattisgarh, Through Station House Officer, P.S. Kawardha,
District Kabirdham (C.G.)

---Non-applicant

For Applicants	:	Mr. Ajay Ayachi, Advocate
For Non-applicant	:	Mr. Ashutosh Pandey, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****28/09/2015**

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. 162/2015, registered at Police Station Kawardha, District Kabirdham (C.G.), for the offence punishable under Sections 294, 323, 506 B, 307, 34 of I.P.C.

2. Case of the prosecution, in brief, is that, on 14/06/2015, the applicants and other co-accused persons assaulted Sitaram, injured, by which he suffered grievous injuries and also threatened and abused him.

3. Learned counsel for the applicants submits that other co-accused person- Tokram Verma has played the similar role as that of the present applicants and other co-accused person has already granted regular bail by this Court vide order dated 01/09/2015 passed in M.Cr.C. No. 4341/2015 and the role played by the present applicants is identical to that of the other co-accused person. 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 person, who have granted bail by this Court vide order dated 01/09/2015 passed in M.Cr.C. No. 4341/2015.

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; further taking into consideration the nature and gravity of offence; registration of counter case against the injured person; nature of injuries; pretrial detention of the applicants; role of the applicants; the fact that charge sheet is yet to be filed and particularly the order passed by this Court on 01/09/2015 in M.Cr.C. No. 4341/2015 granting regular bail to the other accused person, this Court is of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is ordered that the applicants, namely, Shiv Prasad and Parshottam shall be released on bail on their furnishing a personal bond of **Rs.25,000/-** each along with one surety of the like amount to the satisfaction of the trial Court for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE