

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. No. 4966 OF 2015**

1. Bhagwat Prasad Banjare S/o Shri Ram Lal, aged about 43 years,
2. Rimu Banjare S/o Puna Ram, aged about 60 years,
3. Pitambar Banjare S/o Sukrit Banjare, aged about 30 years
4. Milap S/o Chhedilal, aged about 44 years
5. Dilip Kumar S/o Bhaktu, aged about 24 years
6. Krishna Kumar Banjare S/o Abhay Ram, aged about 32 years

All are R/o Village Hardi (Mohalla Boirdeeh), Tahsil Sakti, Police Station Sakti, Civil and Revenue District Janjgir-Champa Chhattisgarh.

**---Applicants****Versus**

State of Chhattisgarh, Through District Magistrate/Station House Officer,  
Police Station Sakti, District Janjgir-Champa (C.G.)

**---Non-applicant**


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| For Applicants    | : | Mr. Dharmesh Shrivastava, Advocate |
| For Non-applicant | : | Mr. Arvind Dubey, P.L.             |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****21/09/2015**

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. 22/2015, registered at Police Station Sakti, District Janjgir-Champa, for the offence punishable under Sections 147, 148, 149, 294, 506-B, 336, 186, 332, 353, 427 of Indian Penal Code and Section 3 of Prevention of Damage to Public Property Act, 1984.

2. Case of the prosecution, in brief, is that presents applicants and other co-accused persons entered into the polling booth and disrupted

process of election and when the patrolling party reached there, the accused persons pelted stone over them, by which, members of police party sustained injuries and thereby committed the aforesaid offence.

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 have already granted regular bail by this Court vide order dated 07/09/2015 passed in M.Cr.C. No. 4563/2015 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 07/09/2015 passed in M.Cr.C. No. 4563/2015.

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; role of the present applicants, their pretrial detention; the fact that anticipatory bail was granted by this Court to co-accused Bhoj Ram Banjare in M.Cr.C.(A) No. 522/2015 on 03/08/2015 and particularly considering the order passed by this Court on 07/09/2015 in M.Cr.C. No. 4563/2015 granting regular bail to the other accused persons, 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 directed that the applicants, namely, Bhagwat Prasad

Banjare, Rimu Banjare, Pitambar Banjare, Milap, Dilip Kumar and Krishna Kumar Banjare shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum 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**

Tiwari