

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 5161 OF 2015**

1. Vishwanath Dhurve aged about 22 years S/o Shatruhan Dhurve
2. Dhan Singh aged about 36 years S/o Kodu Singh,
3. Hem Singh aged about 36 years S/o Chandrika Prasad,
Applicant No. 1 to 3 R/o Village Khandsara, P.S. Pandatarai, Tahsil
Pandariya, Civil & Revenue District Kabirdham (C.G.)
4. Ram Kumar Mallah aged about 40 years, S/o Maujiram, R/o
Pandatarai, Tahsil Pandariya, Civil & Revenue District Kabirdham (C.G.)

---Applicants**Versus**

State of Chhattisgarh, through Station House Officer, Police Station
Pandatarai, District Kabirdham (C.G.)

---Non-applicant

For Applicants	:	Mr. F.S. Khare, Advocate
For Non-applicant	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****29/09/2015**

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. 61/2015, registered at Police Station Pandatarai, District Kabirdham (C.G.), for the offence punishable under Sections 147, 148, 149, 186, 353, 332, 294 & 506 of I.P.C.
2. Case of the prosecution, in brief, is that, presents applicants and other co-accused persons assaulted police party, by which, two constables namely Chatur Singh & Kishan Singh suffered grievous injuries and became injured and also used criminal force to deter the public servant for performing

their duties and, thereby, committed the aforesaid offences.

3. Learned counsel for the applicants submits that other co-accused persons namely Surendra Chandrawanshi and Virendra Chandrawanshi 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 15/09/2015 passed in M.Cr.C. No. 4770/2015 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 15/09/2015 passed in M.Cr.C. No. 4770/2015.

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 victim; further considering their pre-trial detention; substantial investigation has already been made and particularly considering the fact that similarly situated co-accused persons namely Surendra Chandrawanshi and Virendra Chandrawanshi have already been granted regular bail by this Court in M.Cr.C. No. 4770/2015 on 15/09/2015, 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 -Vishwanath Dhurve, Dhan Singh, Hem Singh and Ram Kumar Mallah 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