

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5387 of 2015**

1. Ram Kumar Thakur, aged about 50 years, s/o-Thandar Thakur,
2. Ramji Thakur, aged about 55 years, s/o-Thandar Thakur,
3. Shatruhan Thakur, aged about 45 years, S/o-Thandar Thakur,

Applicants No. 1 to 3 by caste-Thakur

4. Khaleswar Sahu, aged about 22 years, s/o Lakhan Ram, by caste-Teli,
5. Mohit Yadav, aged about 35 years, s/o- Parsottam, by caste-Yadav,

All Applicants R/o- village-Khandsara, P.S.-Pandatarai, 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 Applicant: Mr. F.S. Khare, counsel for the applicants.

For Respondent/State: Mr. Anil S. Pandey, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

08/10/2015

Heard.

(1) The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with

Crime No.61/2015 registered at Police Station Pandatarai, District Kabirdham for the offences punishable under Sections 147, 148, 149, 186, 353, 332, 294 & 506 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicants & other four 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 from performing their official duties and thereby committed the aforesaid offences.

(3) Learned counsel appearing for the applicants would submit that the applicants are innocent person and they have falsely been implicated in the crime in question. He would further submit that co-accused person namely Rajendra Sahu, Lokesh @ Likeshwar Sahu & Murari Jaiswal have already been granted regular bail by this Court vide order dated 15.09.2015 in M.Cr.C. No. 4737/2015 and, therefore, the present applicants may also be entitled for bail on the ground of parity.

(4) On the other hand, learned counsel for the State, after verifying the records, would submit that present case is similar to that of accused persons, who have already been granted regular bail by this Court vide order dated 15.09.2015 in M.Cr.C. No. 4737/2015.

(5) Considering the totality of the facts, in particular the fact that co-accused persons have already been granted regular bail by this Court vide order dated 15.09.2015 in M.Cr.C. No. 4737/2015; applicants are in jail since 06.09.2015; this court is of

the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

(6) Accused/applicants 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.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-