

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5325 of 2015**

Mohammad Imtiyaz, S/o Late Izrail, aged about 25 years,
r/o Mohalla Navagarh (Atal Chowk), PS Ambikapur, Dist.
Sarguja (C.G.)

---- Applicants**Versus**

State Of Chhattisgarh Through the Station House Officer,
Police Chowki Bariyon, P.S. Rajpur, District Balrampur
-Ramanujganj (C.G.)

---- Non-applicant

For Applicant: Shri Jitendra Shrivastava, Advocate.
For Non-applicant/State Shri Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****05/10/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 102/2015 registered at Police Chowki-Bariyon, PS Rajpur, Distt. Balrampur-Ramanujganj for the offences punishable under Sections 429 of the Indian Penal Code; Sections 4, 6 & 10 (क ख ग घ) of the CG Krishak Pasu Parirakshan Adhiniyam, 2004; and Section 11 of the Pasu Krurata Adhiyam, 1960 (As per challan).

(2) Case of the prosecution, in brief, is that on 17-7-2015, the applicant & other co-accused persons killed one scheduled agricultural animal and thereby committed the aforesaid offences.

(3) Learned counsel appearing for the applicant would submit that the applicant is innocent person and he has falsely been implicated in the crime in question. He would further submit that co-accused persons namely Farukh @ Fakhruddin has already been granted regular bail by this Court vide order dated 22.09.2015 in M.Cr.C. No. 5086/2015 and, therefore, the present applicant 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 person, who has already been granted regular bail by this Court vide order dated 22.09.2015 in M.Cr.C. No. 5086/2015.

(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 22.09.2015 in M.Cr.C. No. 5086/2015; applicant is in jail since 21.07.2015; 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/applicant- Mohammad Imtiyaz is directed to be released on bail on his 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. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

