

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5445 OF 2015**

Mohd. Shabbir @ Viru, S/o Shafi Mohammad, aged 18 years, R/o Afroz Badi,
Moudaha Para, P.S. Moudaha Para, Civil & Rev. Distt. Raipur (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through P.S. Ganj, Civ: & Rev. Dist. Raipur (C.G.)

---Non-applicant

For Applicant	:	Mr. Devershi Thakur, Advocate
For Non-applicant	:	Mr. Neeraj Kumar Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board**13/10/2015**

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 applicant who has been arrested in connection with Crime No. 102/2015, registered at Police Station Ganj, Dist. Raipur (C.G.), for the offence punishable under Sections 294, 323, 506B, 307, 147, & 148, rd/w 149 of I.P.C.

2. Case of the prosecution, in brief, is that the present applicant along with five other co-accused persons abused and threatened the victims Sukhraj singh, Avtar Singh & Rupendra Singh and also assaulted them by knife, by which, they suffered grievous injuries which were sufficient to cause death.

3. Learned counsel for the applicant submits that present applicant has not committed any offence and has been falsely implicated in offence in question. He further submits that injuries are simple in nature and no custodial interrogation is required. He further submits that charge sheet has

been filed and applicant is in jail since 20/06/2015. He lastly submits that other co-accused person has played the similar role as that of the present applicant and other co-accused person namely Premprakash Sharma has already granted regular bail by this Court vide order dated 07/09/2015 passed in M.Cr.C. No. 4621/2015 and the role played by the present applicant is identical to that of the other co-accused person. Therefore, the present applicant 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 applicant is identical to other co-accused person, who has granted bail by this Court vide order dated 07/09/2015 passed in M.Cr.C. No. 4621/2015.

5. I have heard the counsel appearing for the parties and perused the case diary.

6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant, pre-trial detention of the applicant; nature of injury; charge-sheet has already been filed and particularly considering the order passed by this Court on 07/09/2015 in M.Cr.C. No. 4621/2015 granting regular bail to the other accused person, this Court is of the opinion that present is the fit case, in which, the applicant 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 applicant shall be released on bail on his furnishing a personal bond of **Rs.25,000/-** along with one surety of the like amount to the satisfaction of the trial Court for his appearance as and when directed.

8. Certified copy as per rules.

**Sd/-
(Sanjay K. Agrawal)
JUDGE**

Tiwari