

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5431 OF 2015**

Khilesh Kumar Sahu S/o Komal Ram Sahu aged 18 years 4 months R/o village Piparhatta Post Patsivni Block Development Chhura District Raipur(C.G.)

---Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Kabir Nagar Raipur District Raipur (C.G.)

---Non-applicant

And**M.Cr.C. No. 5453 OF 2015**

Dinesh Shriwas S/o Jaikaran Shriwas aged 24 years 4 months R/o village Koparo Post Rampur Thana Salahewara Tehsil Chuikhadan District Rajnandgaon (C.G.)

---Applicant

Versus

State of Chhattisgarh Through Station House Officer Police Station Kabir Nagar Raipur District Raipur (C.G.)

---Non-applicant

For Applicants : Ms. Smita Jha, Advocate
For Non-applicant : Mr. Arvind Dubey, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****12/10/2015**

1. Above mentioned two bail applications arise out of a common Crime No. 56/2015, registered at Police Station Kabir Nagar Raipur District Raipur (C.G.), for the offence punishable under Sections 147, 452, 427, 294, 506, 342, 307 of I.P.C. therefore, they are being heard analogously and

decided by this common order. All the two are first bail applications filed under Section 439 of the Cr.P.C.

2. Case of the prosecution, in brief, is that on 14/07/2015 the applicants and five other co-accused persons assaulted the complainant Ashwani Dewangan, injured/victim by hands, fists and wooden stick by entering into the factory, they also abused and threatened him to kill, by which he suffered grievous injuries, which were sufficient to cause his death 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 person has already granted regular bail by this Court vide order dated 01/10/2015 passed in M.Cr.C. No. 5225/2015 and the role played by the present applicants is identical to that of the other co-accused person. 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 person, who has granted bail by this Court vide order dated 01/10/2015 passed in M.Cr.C. No. 5225/2015.

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; nature of relationship between the parties; nature of injury; pre-trial detention of the applicant and particularly the order passed by this Court on 01/10/2015 passed in M.Cr.C. No. 5225/2015 granting regular bail to the other accused

person, 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 applications (M. Cr. C. Nos. 5431/2015 & 5453/2015) filed under Section 439 of the Cr.P.C. are allowed. It is ordered that the applicants, namely, Khilesh Kumar Sahu and Dinesh Shriwas shall be released on bail on their furnishing a personal bond of **Rs.25,000/-** each along with one surety of the like amount 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