

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5476 OF 2015**

Robby @ Rohan Shrivastava S/o Late Rajesh Shrivastava aged about 31 years R/o Risaipara Dhamtari Post Office & Police Station Dhamtari Tahsil & District Dhamtari (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station City Kotwali Dhamtari District Dhamtari (C.G.)

---Non-applicant

And**M.Cr.C. No. 5479 OF 2015**

Sunny Mishra @ Aakash Mishra S/o Deepak Mishra aged about 24 years R/o Shiv Chowk Baniyapara Dhamtari Post Office & Police Station Dhamtari Tahsil & District Dhamtari (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station City Kotwali Dhamtari District Dhamtari (C.G.)

---Non-applicant

For Applicants : Mr. Shivendu Pandya, Advocate
For Non-applicant : Mr. Anant Bajpai, 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. 194/2015, registered at Police Station City Kotwali Dhamtari District Dhamtari (C.G.), for the offence punishable under Sections 186, 332, 353, 147, 148, 149, 294, 153-A, 333 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 08/07/2015 present applicants along with other co-accused persons total 35 in number deterred the police officers from performance of their public duty and also used criminal force upon them and also caused injuries to the police officers, by which, they suffered grievous injuries and thereby committed the aforesaid offences.

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 persons have already granted regular bail by this Court vide order dated 26/08/2015 passed in M.Cr.C. Nos. 4197/2015 & other connected cases 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 26/08/2015 passed in M.Cr.C. Nos. 4197/2015 & other connected cases.

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 police officials; charge sheet has already been filed; their pre-trial detention and particularly the order passed by this Court on 26/08/2015 passed in M.Cr.C. Nos. 4197/2015 & other connected cases granting regular bail to the other accused persons, 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. 5476/2015 & 5479/2015) filed under Section 439 of the Cr.P.C. are allowed. It is ordered that the applicants, namely, Robby @ Rohan Shrivastava and Sunny Mishra @ Aakash Mishra 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. 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