

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1251 of 2016**

1. Vinod Kaushik, S/o Manharan Kaushik, aged about 25 years,
2. Harprasad Kaushik, S/o Balaram Kaushik, aged about 58 years,
3. Mohit Kaushik, S/o Lakhan Kaushik, aged about 45 years,
4. Ramakant Kaushik, S/o Janmanas Kaushik, aged about 48 years,

All are R/o Village-Chhatauna, Police Station Hirri, Tahsil Takhatpur,
District Bilaspur (C.G.)

---- Applicants

Versus

State Of Chhattisgarh Through : Police Station Incharge Ajak Bilaspur,
District - Bilaspur Chhattisgarh

---- Non-applicant

For Applicants:	Mr. S.C. Verma, Advocate.
For Non-applicant:	Mr. Arun Sao, Deputy Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****09/03/2016**

(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. 06/2010 registered at Police Station Incharge AJAK Bilaspur, District Bilaspur (C.G.) for the offences punishable under Sections 147, 294, 323 & 506 of Indian Penal Code and under Section 3(1)(x) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989.

(2) Case of the prosecution, in brief, is that one co-accused Bihari Sahu @ Ramesh won the election for the post of Up-Sarpanch of village Chhatouna and in celebration they have organized a rally and when they reached near house of the complainant, the applicants have started abusing

and using filthy language to the complainant in the name of his caste. Thereafter, on report the offences were registered against the applicants.

(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 Bihari Sahu @ Ramesh Sahu, Rajesh Tamboli & Omprakash Nirmalkar have already been granted regular bail by this Court vide order dated 26.10.2015 in M.Cr.C. No. 5789/2015 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 person, who have already been granted regular bail by this Court vide order dated 26.10.2015 in M.Cr.C. No. 5789/2015.

(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 26.10.2015 in M.Cr.C. No. 5789/2015 ; 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.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-