

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1431 of 2016

1. Kailash Pradhan, S/o Thandharam Pradhan, aged about 36 years,
2. Dilip Nayak, S/o Dev Prasad Nayak, aged about 45 years,

Both R/o Village Kotarliya, Police Station Chakradhar Nagar, Tahsil &
Distt. Raigarh (C.G.)

---- Applicants

Versus

State of Chhattisgarh, through District Magistrate, Raigarh (C.G.)

---- Non-applicant

For Applicants:	Mr. Ashish Gupta, Advocate.
For Non-applicant:	Mr. Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

15/03/2016

1. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.139/2015, registered at Police Station Chakradhar Nagar, Raigarh, Distt. Raigarh, for the offence punishable under Sections 147, 148, 294, 506B, 307, 325 and 435 read with Section 149 of the IPC.
2. Case of the prosecution, in brief, is that the applicants along with other co-accused persons not only abused but also assaulted complainants/injured Ashish Goyal, Amit Goyal, Shanker Lal Agrawal and Devendra Sahu by which they suffered grievous injuries which were sufficient to cause their death and thereby

committed the aforesaid offences.

3. Learned counsel for the applicants submits that the applicants are innocent persons, they have not committed any offence and they have been falsely implicated in the case. The applicants are in jail since 4-1-2016. Learned counsel further submits that co-accused persons namely Yogendra Patel @ Murlidhar Patel, Tulesh Chauhan and Vasudev Pradhan have been enlarged on regular bail by this Court vide order dated 24-8-2015 passed in M.Cr.C.Nos.4243/2015, 4259/2015 and 4266/2015, respectively. He also submits that another co-accused Bhujbal Yadav has also been enlarged on regular bail by this Court by order dated 4-2-2016 passed in M.Cr.C. No.419/2016. Therefore, the present applicants are also entitled for bail on the ground of parity.
4. On the other hand, learned State counsel opposes the application and after verifying the records submits that present case is similar to that of co-accused persons who have already been granted regular bail by this Court.
5. I have heard learned counsel 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 applicants, their pretrial detention, in particular the fact that similarly situated co-accused persons have already been granted regular bail by this Court, I am of the view that it is a fit case to enlarge the applicants on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicants be released on bail on

their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma