

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5620 of 2016

- Sunaram Teta S/O Dholuram Teta Aged About 30 Years R/O Village Budeli P.S. Korar, Revenue & Civil District North Bastar Kanker, Chhattisgarh.

---- **Applicant**

Versus

- State Of Chhattisgarh Through The Police Station Korar, District North Bastar Kanker, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. P.K. Tulsiyan, Advocate

For Respondent/State : Mrs. Shobha Kashyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20-09-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 23-6-2015 in connection with Crime No. 33 of 2015, registered at Police Station Korar, District North Bastar Kanker (CG) for the offence punishable under Sections 147, 148, 149, 506(B), 427, 435, 121, 121(A), 212 and 120(B) of the IPC, Sections 25 & 27 of the Arms Act and Sections 8(2)(3) of the Jan Surksha Adhiniyam.
2. Case of the prosecution, in brief, is that present applicant along with other co-accused is said to have attacked on the premises of M/s Parv Bulcon Construction Company operating in village Bhanupratappur, District Kanker, causing damages to the vehicles and other machineries of the said construction company. According to the mines manager's complaint, there were 15 persons, 5 males and the rest females, who had attacked the premises of the company on 12-04-2015. FIR was has been lodged against unknown persons. Consequently, the police personnel have made 42 persons as accused.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated, charge-sheet has been filed in this case, he is in jail since 23-6-2015 and no further investigation is required. He would further submit that similarly placed other co-accused persons namely Aatmaram Korram has been enlarged on bail vide order dated 9-6-2016 passed by co-ordinate Bench of this Court in M.Cr.C.No. 2707 of 2016 and also Dharam Singh Korkche has been enlarged on bail vide order dated 30-8-2016 passed by this Court in M.Cr.C.No. 4963 of 2016, therefore, the applicant may also be released on bail on the ground of parity.
4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the case of the applicant is similar to the case of co-accused persons who have been granted bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering the fact that charge-sheet has been filed, the applicant is in jail since 23-6-2015 and further considering the fact that similarly placed other co-accused persons have been granted bail, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju