

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 310 of 2016

Prakash Dewangan S/o. Shri Beni Madhav Dewangan, Aged about 25 years, R/o. Sunder Nagar, Kohka, Bhilai, District Durg (C.G.)

---- Applicant

Versus

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

---- Respondent

For Applicant	:-	Ms. Smita Jha, Advocate
For Respondent/ State	:-	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

29/01/2016

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 in connection with Crime No. 56/2015 registered at Police Station- Kabir Nagar, District Raipur (C.G.) for the offence punishable under Sections 147,452,427,294,506,342, 307 of Indian Penal Code.
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, fits 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. Counsel for the applicant submits that the applicant has been falsely implicated in this case. She further submits that the actual

assault has been committed by Sunil Devangan who was the partner to the complainant Ashok Kumar. She further submits that the that the other co-accused persons namely Sunil Devangan has been granted bail by the Coordinate bench of this High Court in M.Cr.C. No. 4196 of 2015 on 24.08.2015 and the present applicant 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 the present case is similar to that of accused person, who have already been granted bail by the coordinate bench of this High Court M.Cr.C. No. 4196 of 2015 on 24.08.2015.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that the applicant is in jail since 04.01.2016 and also the fact that the similarly placed co-accused person has already been enlarged on bail by the Coordinate bench of this High Court in M.Cr.C. No. 4196 of 2015 on 24.08.2015, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge