

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1286 OF 2016**

1. Rakesh Sharma S/o Rajiv Sharma aged about 25 years, R/o Shiv Para Murum Khadan Supela Bhilai, Police Station Supela, Tahsil & District Durg (C.G.)
2. Anil Wasnik S/o Narayan Wasnik, aged about 27 years, R/o In front of Lalit Kabadi, Indira Nagar Supela Bhilai, Police Station Supela, Bhilai, Tahsil & District Durg (C.G.)

---Applicants**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station Supela District Durg (C.G.)

---Non-applicant

For Applicants	:	Mr. C.K. Sahu, Advocate
For Non-applicant	:	Mr. Ajit Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****14/03/2016**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No. 866/2015, registered at Police Station Supela, District Durg (C.G.), for the offence punishable under Sections

294, 506, 323, 307/34 of Indian Penal Code.

2. Case of the prosecution, in brief, is that on 23/10/2015 applicants and co-accused persons assaulted victim Tukeshwar Nishad, by which, he suffered grievous injuries which was sufficient to cause death.

3. Learned counsel for the applicants submits that applicants have not committed any offence and they have been falsely implicated in the case. He would further submit that co-accused persons have already been released on regular bail by this Court on 08/02/2016 in M.Cr.C. No.508/2016. He would further submit that charge sheet has been filed and applicants are in jail since 31/10/2015, 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 opposed the prayer for grant of bail.

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; role of the present applicants; nature of injuries; pretrial detention of the applicants; charge sheet has already

been filed and particularly the fact that co-accused persons have already been granted regular bail, 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 application filed under Section 439 of the Cr.P.C. is allowed. It is ordered that the applicants, namely, Rakesh Sharma and Anil Wasnik 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 for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE