

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4576 of 2016

1. Harish Bareth S/O Kushto Bareth Aged About 15 Years Through Legal Mother : Smt. Madhu Bareth W/O Kushto Bareth, Aged About 37 Years, R/O Purani Basti Kharsia, Tahsil & P/S. Kharsia, Distt. Raigarh Chhattisgarh
2. Ajay Nishad @ Chatni S/O Narsingh Nishad Aged About 16 Years Through Legal Mother : Smt. Rekha Kenwat W/O Narsingh Nishad, Aged About 35 Years, R/O Purani Basti Kharsia, Tahsil & P/S. Kharsia, Distt. Raigarh Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through - Officer In Charge Of The P/S. Kharsia, District - Raigarh Chhattisgarh

---- Respondent

For Applicants : Mr. Abhishek Saraf, Advocate

For Respondent/State : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16-08-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 28-03-2016 in connection with Crime No. 123 of 2016, registered at Police Station Kharsia, District Raigarh (CG) for the offence punishable under Sections 147, 148, 149, 294, 323, 506(B), 307 of the IPC and Sections 25 & 27 of the Arms Act.
2. Case of the prosecution, in brief, is that on 23-3-2016 the applicants along with other co-accused persons were singing during Holi festival and at that time, complainant Rakesh Navneet along with his friend Jitendra Bahadur came there and some altercation took place between two parties. Thereafter, Rakesh and Jitendra Bahadur both of them entered into scuffle with the applicants and during such scuffle the applicants along with other co-accused persons assaulted Rakesh Navneet and Jitendra Bahadur whereby Jitendra

Bahadur sustained severe injuries which were sufficient to cause his death.

3. Learned counsel appearing for the applicant would submit that the case of the present applicants is similar to the case of other co-accused persons who have been granted bail by this Court vide order dated 14-07-2016 passed by this Court in M.Cr.C.No. 3699 of 2016, therefore, the present applicants 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 other co-accused persons who have been granted bail by this Court.
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 allegations have been leveled against the applicants and also the fact that the charge-sheet has been filed and the applicants are in jail since 28-3-2016 and also further considering the fact that similarly placed co-accused persons have been granted bail, I am inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju