

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3815 of 2016

- Mahir Sai S/O Somaru Aged About 50 Years R/O Gersa, Chitalata Parsadhab, P.S. Lundra, District - Surguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Lundra, District Surguja Chhattisgarh

---- Respondent

For Applicant : Mr. Rahul Mishra, Advocate

For Respondent/State : Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19.07.2016

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 26-4-2015 in connection with Crime No. 42 of 2015, registered at Police Station Lundra, District Surguja (CG) for the offence punishable under Sections 147, 148, 149, 304 of IPC.
2. As per prosecution case, on 14-4-2015 at 5.p.m, the applicant long with other co-accused persons assaulted the deceased Bagwan Korva by wooden stick, hands and fists by which he suffered grievous injuries and died.
3. Learned counsel appearing for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated, there is no evidence to connect the applicant with the crime in question, charge-sheet has been filed in this case, he is in jail since and no further investigation is required. He would further submit that similarly placed other co-accused persons have

been granted bail vide order dated 28-09-2015 passed by co-ordinate Bench of this Court in M.Cr.C.No. 5097 of 2015, 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 who have been granted bail by co-ordinate Bench of 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 allegation leveled against the applicant and considering the fact that the charge-sheet has been filed, the applicant is in jail since 26-04-2015 and further considering the fact that similarly placed 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