

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7654 of 2015

1. Manoj Kumar Kashyap, S/o. Bharat Kashyap, Aged About 30 Years.
2. Nitish Kumar Kashyap, S/o. Bharat Kashyap, Aged About 26 Years.
3. Rishi @ Pappu, S/o. Ramdhun Kashyap, Aged About 30 Years.
4. Bholu, S/o. Dukalu Kashyap, Aged About 20 Years.

All are R/o. Village- Bhatlikala, P.S.- Jarhagaon, Civil District -
Bilaspur & Revenue District – Mungeli, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through Police Of Police Station-
Jarhagaon, Civil Distt. Bilaspur, Revenue Distt. Mungeli,
Chhattisgarh

---- Respondent

For Applicants : Mr. Samir Singh, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.01.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.166/2014, registered at Police Station– Jarhagaon, District Mungeli (C.G.) for the offence punishable under Section 307, 147, 148, 149, 294, 186, 332 & 353 of Indian Penal Code.
2. Case of the prosecution, in brief, is that, the present applicants along with 15 other co-accused persons were found involved in gambling on the occasion of Diwali festival and on raid conducted

by the police party, some persons ran away from the spot whereas some of them arrested by the police party. Allegation on the present applicants are that they returned back on the spot with some other person armed with Lathis and assaulted the police party and have thrown one constable from the first floor, due to which he suffered injuries, which was likely to cause his death.

3. Learned counsel for the applicants would submit that the applicants are innocent person and they have falsely been implicated in the crime in question. He further submits that the similarly placed co-accused persons have been enlarged on bail by the co-ordinate Bench of this Court in M.Cr.C. No.2876 & 2879 of 2015 vide order dated 06.07.2015; therefore, the present applicants may also be enlarged on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, after verification, he do not dispute the fact that the similarly placed co-accused have been enlarged on bail by the co-ordinate Bench of this Court.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the facts and circumstances of the case and the manner in which the offence is committed, considering the gravity of the offence and the fact that the applicants are in jail since 10.12.2015 and further taking in to the fact that the similarly placed co-accused have been enlarged on bail by the co-ordinate Bench, 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.

8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Ashok