

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5168 of 2016

Nikhil Vardani, S/o. Ashok Vardani, Aged About 22 Years, R/o. Nayapara Ward, Dhamtari, Tahsil & District Dhamtari, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station City Kotwali, Tahsil & District Dhamtari, Chhattisgarh.

---- Respondent

For Applicant : Mr. B.D.Guru, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05.09.2016

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.194/2015 registered at Police Station City Kotwali, Dhamtari, District Dhamtari (C.G.) for the offence punishable under Section 186, 332, 353, 147, 148, 149, 294 & 153-A of Indian Penal Code.
2. As per the prosecution case, on 08.07.2015 present applicant along with other co-accused persons total 35 in numbers deterred the police officers from performance of their public duty and also used criminal force upon them and also caused injuries to the police officers, by which, they suffered grievous injuries and thereby committed the aforesaid offences.
3. Learned counsel for the applicant would submit that the similarly placed co-accused persons have been enlarged on bail by the co-ordinate Bench on 26.08.2015 in MCRC No. 4197/2015 and other connected matters and also on 17.03.2016 in MCRC No.1731/2016 and the case of the present applicant is similar to the case of the

other co-accused who have been released on bail, therefore, he may also be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that the other similarly placed co-accused have been enlarged on bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case, nature and gravity of offence and further considering the fact that the other similarly placed co-accused have been enlarged on bail by the co-ordinate Bench, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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.

Sd/-
(Goutam Bhaduri)
Judge