

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7658 of 2016

- Sanjay Singh Thakur S/o Shri Raghunandan Singh Thakur Aged About 20 Years R/o Village Pipara, Police Station Sipat, Civil & Revenue District Bilaspur, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Acting Through District Magistrate Bilaspur, Police Station Sipat, Civil & Revenue District Bilaspur, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Devesh G. Kela, Advocate

For Respondent/State : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07-12-2016

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 23-8-2016 in connection with Crime No. 191 of 2016, registered at Police Station Sipat, District Bilaspur (CG) for the offence punishable under Section 307/34 of IPC and Section 25 of the Arms Act.
2. Case of the prosecution, in brief, is that on 22-08-2016 complainant Arjun Singh went to village Pipra along with his uncle Bahoran Singh. While he was returning back on motor-cycle, the applicant along with his brother Dhananjay Singh Thakur stopped the complainant and the present applicant assaulted him by way of sword and caused injury which was sufficient to cause death.

3. Learned counsel appearing for the applicant would submit that the applicant and the injured are related to each. Victim Arjun Singh has been examined and he has not supported the prosecution case. He would further submit that the case of the present applicant is similar to that of other co-accused namely Dhananjay Singh Thakur who has been granted bail vide order dated 22-11-2016 passed by this Court in M.Cr.C.No. 7176 of 2016, 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 that of other co-accused who has 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, and considering the fact that the victim Arjun Singh has not supported the prosecution case, without further observation on the merits of the case, 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