

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7252 of 2017**

Bisun Dayal Gurjar S/o Ramdev Gurjar, Aged About 40 Years R/o Village Chhatouribijo, P.S. Ramkola, Tehsil Odagi, District Surajpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer S.C. & S.T. Welfare Police Station Surajpur, District Surajpur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Surfaraj Khan, Advocate.

For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.12.2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 16 of 2017, registered at S.C. & S.T. Welfare, Police Station Surajpur, District Surajpur, Chhattisgarh for the offence punishable under Sections 147, 148, 294, 506, 323 and 394 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant is in jail since 7.10.2017 and he has been falsely implicated in this case. The co-accused persons in this case have been granted bail by the trial Court itself whereas the applicant who surrendered before the trial Court has not been benefited with grant of bail only for this reason that this anticipatory bail

application was earlier rejected. Hence, it is prayed that on the ground of parity and for the reason that the co-accused persons have been benefited with grant of regular bail, the applicant is also entitled for grant of bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that another case registered against the applicant for similar offences under the provisions of IPC is also pending before the trial Court. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. The case against the applicant is that on the date of incident complainant – Premshankar was stopped by the applicant and the co-accused persons on road and threatened him because the applicant has lodged a report against the complainant and thereafter, assaulted him and looted his mobile and cash of Rs.10,000/-.

6. Considering the submissions and the contents of the case-diary and also the fact that based on the similar facts the co-accused persons were granted bail by the trial Court, I am of the considered view that the applicant is entitled for grant of bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on 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/-

(Rajendra Chandra Singh Samant)
Judge