

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 753 of 2017

1. Dildar S/o Late Sukhdev, Aged About 25 Years R/o Village- Jagatpur (Paraspani), Police Station- Charcha, Tahsil- Baikunthpur, District- Korea, Chhattisgarh.
2. Krishna, S/o Late Sukhdev, Aged About 22 Years R/o Village- Jagatpur (Paraspani), Police Station- Charcha, Tahsil- Baikunthpur, District- Korea, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through- Station House Officer, Police of Police Station- Charcha, District- Korea, Chhattisgarh.

---- **Respondent**

For Applicants : Mr. Anil Gulati, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15-02-2017

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 on 26-9-2016 in connection with Crime No. 123 of 2016, registered at Police Station Charcha, District Korea (CG) for the offence punishable under Sections 307, 294, 506-B, 323 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that on 24-6-2016 a report was made by the complainant Dilip Singh that the present applicants along with other co-accused persons namely Dhan Singh and Anand Singh have assaulted Dilip Singh and during such assault, the mother of the injured Dilip Singh tried to intervene, at that time she was also assaulted and during such scuffle Dhan Singh gave a stone blow on the head which caused fracture and also tried to strangle.

3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case, the main allegations have been attributed to Dhan Singh. He would further submit that the case of the present applicants is similar to that of other co-accused namely Anand Singh who has been granted bail vide order dated 16-1-2017 passed by this Court in M.Cr.C. No.8657 of 2016 wherein bail application of Dhan Singh is rejected, therefore, present applicants may also be released on bail on the ground of parity.
4. On the other hand, learned State counsel opposes the prayer for grant of bail. However, he does not dispute the fact that the case of the present applicants is similar to that of other co-accused Anand Singh who has been granted bail by this Court.
5. I have heard learned counsel for the parties, perused the case and other documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicants and further considering the fact that similarly placed co-accused has been released on bail by this Court and also the fact that charge-sheet in this case has been filed and the applicants are in jail since 26-9-2016, this court is 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 applicants shall be released on bail on each of them 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. They shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

