

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2707 of 2017

Mohan Katkar, S/o. Nanki Ram, Aged About 45 Years, R/o. Village Tilaipali, Police Station-Sarsiwa, District Baloda Bazar, Bhatapara Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through the Police Station - Sarsiwa District Baloda Bazar, Bhatapara Chhattisgarh

---- Respondent

For Applicant	:-	Shri Deepak Jain, Advocate
For Respondent/ State	:-	Shri U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice Anil Kumar Shukla

Order On Board

29/05/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 142/2016 registered at Police Station- Sarsiwa, District Baloda Bazar, Bhatapara (C.G.) for the offence punishable under Sections 323, 294, 325, 506, 307, 120(B)/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 13.08.2016, the complainant Bharat Lal while was going on his motor cycle to his house at that time near Tilaipali bridge two persons attacked and assaulted him by way of club and rod, thereby the offence has been committed, which was enough to cause his death.
3. Learned counsel appearing for the applicant submit that the applicant is innocent and he has been falsely implicated in this case and the FIR was made against the unknown person. He further submits that the other co-accused persons namely Deepak Khatkar has already been granted bail by this High Court in M.Cr.C. No. 8244 of 2016 on

06.02.2017 and the present applicant may also be entitled for bail on the ground of parity.

4. Learned State counsel opposes the prayer for grant of bail and however, after verification do not dispute the fact that the similarly placed co-accused has been released on bail.
5. Having regard to the fact that the applicant is in jail since 22.03.2017 and also the fact that the similarly placed co-accused person has already been enlarged on bail by coordinate bench of this court in M. Cr.C. No 8244 of 2016 on 06.02.2017, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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/-

(Anil Kumar Shukla)
Vacation Judge