

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3397 of 2017

1. Rakesh Nishad, S/o Rameshwar Nishad Dhimar, aged about 21 years, R/o Bajrang Nagar, Durg.
2. Kapil Nishad, son of Faguram Nishad, aged about 25 years, R/o Bajrang Nagar, Durg.

---- Applicants (In Jail)

Versus

- State Of Chhattisgarh Through : SHO, PS Durg (Kotwali), District Durg (CG)

---- Non-applicant

For Applicants	:	Shri Sanjay K Agrawal, Advocate
For Respondent	:	Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order On Board

13/06/2017

1. The applicants have preferred this application under Section 439 Cr.P.C. for grant of regular bail as they are in custody since 31.10.2016 in connection with Crime No.759/16 registered at Police Station- Durg (Kotwali), District Durg (CG) for the offence punishable under Sections 294, 506B, 323, 34, 147, 149, 307 of IPC and Section 25, 27 of the Arms Act.
2. The prosecution case, in short, is that on 30.10.2016 the present applicants along with co-accused persons assaulted the complainant and caused him grievous injuries by bamboo stick , hands & fists.
3. Learned counsel for the applicants submits that co-accused namely Shubhash Dhimar against whom allegations are identical as are alleged against the present applicants, has already been released on bail by this

Court vide order dated 10.4.2017 passed in M.Cr.C. No.1850/17. He prays for a similar order as the nature of allegations are similar.

4. On the other hand, learned counsel for the State has opposed the bail application, however, he does not dispute the fact that so far as the present applicants are concerned, the role played by them are similar to the role played by co-accused Shubhash Dhimar, who has already been released on bail.
5. Considering the totality of case, in particular the fact that co-accused against whom allegations are similar to that of present applicants has already been released on bail, this Court is of the opinion that present is a fit case where the applicants should be enlarged on regular bail.
6. Accordingly, the bail application is allowed. It is directed that on applicants' furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the Court below concerned, they be released on bail for their appearance before the Court below concerned as and when directed.
7. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge

roshan/-