

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6211 of 2018**

Amit Sharma, S/o Bajrang Sharma, aged about 24 years, R/o Ayodhya Nagar Ward No. 04, Bilha, P.S. Bilha, District Bilaspur (C.G.)

----Applicant

Versus

State of Chhattisgarh- Through P.S. Bilha, Distt. Bilaaspur (C.G.)

---- Non-applicant

For Applicant	: Shri Vipin Singh, Advocate.
For State	: Shri Ashish Surana, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

30/10/2018

Heard.

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 12/2015 (wrongly mentioned in the impugned order as 18/2015) registered at Police Station – Bilha, District Bilaspur for the offences punishable under Sections 323, 326 & 506/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that present applicant along with co-accused persons assaulted Shivshanker Sharma, Rajesh Sharma and Bajrang Sharma by knife as a result of which they sustained grievous injuries on their face and thereby committed the aforesaid offences.
3. Learned counsel appearing for the applicant would submit that the applicant is innocent person and he has falsely been implicated in the crime in question. He would further submit that similarly situated co-accused namely persons namely Nanki @ Rajendra Sharma & Rajkumar Manikpuri have already been granted bail by this Court vide order dated 15.06.2015 passed in M.Cr.C. No. 1839 of 2015 and M.Cr.C. No. 2036 of 2015, respectively and the applicant is in jail since 25.07.2018 and, therefore, the present

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

4. On the other hand, learned counsel for the State, after verifying the records, would submit that present case is similar to that of accused persons who have already been granted bail by this Court vide order dated 15.06.2015.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case and the particularly the fact that similarly situated co-accused persons have already been granted bail by this Court vide order dated 15.06.2015 passed in M.Cr.C. No. 1839 of 2015 and M.Cr.C. No. 2036 of 2015, respectively; and further considering the pre-trial detention of the applicant and the charge sheet has already been filed; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

