

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 6220 OF 2018

Sanatkumar S/o Harilal Rathor Aged About 32 Years R/o Village - Lalpur ,
Police Station Gaurela, District Bilaspur Chhattisgarh.

... Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station -
Gaurela District Bilaspur Chhattisgarh.

... Respondent

For Applicant	:	Shri Dharmesh Shrivastava, Advocate.
For Respondent-State	:	Shri DK Wankhede, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25/09/2018

1. This is first bail application seeking for grant of bail to the Applicant who is in jail since 28.07.2018 in connection with Crime No.132 of 2017 registered at Police Station Gaurela, District Bilaspur for the offence punishable under Sections 147,148,149 and 302 IPC.
2. The allegation against the applicant as per prosecution is that, the present applicant and other co-accused is said to have assaulted one Diya Ram causing grievous injuries to which he later succumbed.
3. Learned counsel for the applicant submits that, in all there are seven accused persons out of which six other co-accused have already been granted bail by this court in MCrC No.2788 of 2018 vide order dated 21.06.2018. He further submits that the nature of allegations against the present applicant is, if not identical, similar to the allegations which have been levelled against the other co-accused persons. It is a case where the present applicant has been falsely

implicated only on the ground of his being present at the place of incident on the fateful day. Thus, the applicant may also be granted bail on the ground of parity.

4. The State counsel, on the contrary, opposing the application submits that the present applicant also was actively involved in the assault on the deceased and therefore he does not deserve for bail.
5. Given the entire facts and circumstances of the case, it appears that the deceased Diya Ram infact had assaulted three persons and had killed them i.e. his maternal grandmother, mother and one neighbor and immediately thereafter as a reaction to the act on the part of Diya Ram large crowd had gathered around and started assaulting Diya Ram in which he sustained grievance injuries and later succumbed.
6. Perusal of record reveals that the allegations made against the present applicant also is similar in nature to the other accused persons all of whom who have been granted bail by this court in MCrC No.2788 of 2018. In view of the above facts and circumstances of the case this court is of the opinion that present is a fit case for grant of bail.
7. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge

inder