

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 357 of 2019

- Rahul Kumar Gupta S/o Jwala Prasad Gupta, Aged About 18 Years, R/o Village Semari, P. S. Patan, Tehsil Patan, Palamu, District Palamu, Jharkhand, District : Palamu, Jharkhand

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kota, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

----Non-applicant

For Applicant – Mr. Manish Nigam, Advocate.

For Non-applicant/State – Ms. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-01-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 15-04-2017 in connection with Crime No.66/2017 registered at P.S. - Kota, District – Bilaspur, Chhattisgarh for the offence under Section 341, 294, 302, 324, 506 Part II read with Section 34 of the IPC and Section 3(1)(2)(v) of SC/ST (Prevention of Atrocities) Act, 1989.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out against this applicant. The main accused in this case, Rakesh Singh Thakur has been granted bail by this Court in MCRC No.7983 of 2018 by order dated 12-12-2018 and this applicant has a better case compared to him. Therefore, it is prayed that on the ground of parity the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. On the date of incident on 14-03-2017 it is alleged that main accused Rakesh Singh Thakur had quarreled with Faguram and in that incident he

assaulted him with a club causing injuries on his back, waist and knees. The deceased died on 17-03-2017. The allegation against this applicant is this, that he was in company with the main accused person.

6. After considering on the entire material present in the case diary and for the reason that main accused Rakesh Singh Thakur has been granted bail, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge