

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3805 of 2019**

1. Santosh Shukla S/o Shri Ganesh Prasad Shukla Aged About 45 Years
2. Brijendra Pandey S/o Shri Sunder Lal Pandey Aged About 48 Years
3. Sharda Shukla S/o Shri Ganesh Prasad Shukla Aged About 33 Years
4. Prakash Awasthi S/o Late Shri Jaynarayan Awasthi Aged About 38 Years
5. Prabhat Awasthi S/o Late Shri Jaynarayan Awasthi Aged About 45 Years

All R/o Village Masturi, Police Station Masturi, District Bilaspur Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Masturi, District Bilaspur Chhattisgarh.,

---- Respondent

For applicants	Mr. Ashutosh Trivedi, Adv.
For Respondent/State	Mr. Vinod Tekam, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****5-7-2019**

1. This is second bail application preferred by the applicants. Earlier their first bail application was rejected vide order dated 18-1-2019 passed in MCRC No. 9769/2018.
2. The applicants have been arrested in connection with Crime No. 448/2018 registered in police station Masturi, Distt. Bilaspur (CG) for offence punishable under Section 147, 148, 294, 323, 324, 506(B) and 307 of IPC.
3. Perused the case diary.
4. Prosecution story in brief is that is that on 29/09/2018 about 9.40 p.m. in front of Block Office at Masturi applicants and some other persons reached holding clubs, iron rods, knives. They abused complainant Vivek Tripathi, beat him by club. They caused injury to

complainant Kamal Yadav by knife. They caused injury on head of complainant Vinod Sarthi by iron rod. They also caused injuries on chest of complainant Vinod Sarthi by knife. They also caused injuries to complainant Virendra Tripathi by club. They also gave threat to kill.

5. As per MLC report of complainant Rinku @ Vivek Tripathi two lacerated wound and two abrasions were found on his body.

6. As per MLC report of complainant Virendra Nath Tripathi, two abrasions and one contusion were found on his body.

7. As per MLC report of complainant Kamlesh Yadav, one incised wound on his left thigh and one abrasion were found on his body.

8. As per the neurological certificate, Apollo Hospital, Bilaspur in CT Scan injury of brain of complainant Vinod Sarthi was grievous in nature.

9. Counsel for the applicants submitted one co-accused Pramod Bharat Awasthi has been released on bail by the Hon'ble Supreme Court and some other co-accused have been released on bail by the coordinate bench of this Court. The case of the applicants is similar to that of co-accused which have been enlarged on bail. Thus, on the ground of parity, the applicants may also be released on bail.

10. On the other hand, State counsel appearing for the state opposed the bail application.

11. Hon'ble Supreme Court has enlarged the co-accused Pramod Bharat Awasthi. In the order it has been clearly mentioned that without commenting anything on the merits of the case, the prayer for bail is allowed. First bail application of the applicants has been rejected earlier and later some co-accused have been released by coordinate bench of this Court.

12. Looking to the above mentioned facts and circumstances, principle of parity are not attracted in the case. There is no change of circumstances which may entitle the applicants to be released on bail on the second round of litigation.

13. The bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge