

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9495 of 2018

- Nikky Ajgalle S/o Narayan Ajgalle Aged About 21 Years R/o Village Mudpar, Police Station-Bilaigarh, District-Balodabazar Bhatapara Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Office, Police Station-Bilaigarh, District-Balodabazar Bhatapara Chhattisgarh.

---- Respondent

For Applicant	: Mr. Raghvendra Pradhan, Advocate
For State/respondent	: Mr. Rahul Tamaskar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

24/01/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.433/2017 registered at Police-Station-Bilaigarh, District-Balodabazar, Bhatapara(C.G.) for the offence punishable under Sections 147, 148, 149, 120-B, 201, 452, 302, 307, 436, 435 of the Indian Penal Code and Section 25 & 27 of Arms Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out

against this applicant. Similarly placed co-accused persons Bhagirathi Kurrey, Mangalavat Bai, Shyamnarayna Ajgale, Bhupendra Ratnakar, Vikki Ajgale, Nilesch Kumar, Ramsai, Smt. Sukhsagar, Dhananjay Kurrey & Radheyshyam Kurrey have been granted bail by this Court, therefore, it is prayed that applicant may also be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that this applicant was present on the spot armed with a sword and one sword injury has found on the body of the deceased. He appears to be the main accused in this case, therefore, this applicant is not entitled for grant of regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to prosecution case, on the date of incident this applicant and the co-accused persons also with clubs, sword and axes committed house trespass in the house of the complainant Priyanka Tandon and then finding deceased Neera Bai present, assaulted her and caused fatal injuries to her, therefore, the house of the complainant was set to fire on the body of the deceased was also thrown into the burning fire regarding which FIR has been lodged.
6. Considered on the entire material present in the case diary, it has appeared that the allegation against this applicant is same to the allegation that is against the other co-accused who have been granted bail, hence, on the ground of parity, I am of the view that this is a fit case where applicant should be released on regular bail.
7. Accordingly, this second bail application filed under Section 439 of

Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha