

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 9566 of 2018**

Dharam Das Vaishnav, S/o. Late Jagganath Vaishnav, Aged About 70 Years,
R/o. Jaitgiri, Tahsil Bakawand, District Bastar, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station - Karpawand, District - Bastar
Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vikash A. Shrivastava, Advocate
For Respondent/State	: Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**22/01/2019**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.78/2015, registered at Police Station – Karpawand, Bastar (C.G.) for the offence punishable under Section 147, 148, 149, 307 & 302 of the Indian Penal Code. The first bail application was dismissed on merits vide order dated 18.07.2018 in M.Cr.C. No.4575/2018.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Subsequent to the dismissal of earlier bail application, change in circumstances that has occurred is this that co-accused persons has been enlarged on bail by the Coordinate Bench of this Court in M.Cr.C.6738/2018 vide order dated 26.11.2018 and this applicant is also similarly placed, therefore,

on the ground of parity, the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the submissions made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Perused the order granting bail by the Coordinate Bench of this Court and it appears that this applicant is also similarly placed. There is no need to go into the merits of the case as that has been considered in the earlier application. Hence, after due consideration on the ground of parity, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge