

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1830 of 2020

- Kanhaiya Lal Adle S/o Uchitram Adle, Aged About 37 Years, R/o Taldevri, Police Station Birra, District Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police of Police Station Birra, District Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

----Non-applicant

For Applicant – Shri Rajeev Kumar Dubey, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-03-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is third bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 11-05-2019 in connection with Crime No.48/2019 registered at P.S. - Birra, District Janjgir-Champa, Chhattisgarh for the offence under Section 147, 186, 294, 302, 323, 341, 427, 353, 332, 506-B of the IPC.

2. It is submitted on behalf of the applicant that this is third bail application filed by the applicant. His first bail application, MCRC No.3890/2019 was dismissed on merits on 13-08-2019. His second bail application, MCRC No.6182/2019 was dismissed as withdrawn on 20-01-2020. It is further submitted that new circumstance that has arisen is this, that one of co-accused namely Sonu @ Nawakishan Chandra has been granted bail by coordinate Bench of this Court and further five other co-accused have also been granted bail by this Court on the ground of parity, the applicant is also similarly placed and he is not one of the named accused in the FIR. Therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/respondent opposes the application submitting that already the application for bail has been decided by this Court on merits and there are numbers of witnesses who have stated against the applicant. Therefore, he is not entitled for grant of bail.
4. Heard learned counsel for both the parties and perused the documents.
5. Considered on the change in circumstance that has taken place that the co-accused persons have been granted bail by this Bench as well was by the coordinate Bench, therefore, on the ground of parity I feel inclined to allow this application.
6. 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.
7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge