

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2995 of 2020

Banmali Chhura, S/o Chitru Chhura, Aged About 42 Years, R/o Shahid Rajiv Pandey Nagar, P.S. New Rajendra Nagar, Tahsil & District- Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Collector, Police Station Raipur, New Rajendra Nagar, District- Raipur (C.G.)

--- Respondent

For Applicant : Mr. Badruddin Khan, Advocate.

For Respondent : Mr. Ayaz Naved, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08/06/2020

1. This is the first 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. 123/2020, registered at Police Station- New Rajendra Nagar District- Raipur (C.G.) for the offence punishable under Sections 25 & 27 of the Arms Act and Sections 147, 148, 149, 120B & 307 (34) of IPC.
2. Learned counsel for the applicant submits that the applicant is in jail since 29.04.2020 and has been falsely implicated in this case. No case is made out against the present applicant. His name is also not reflected in the FIR itself. The other co-accused in the present case namely Krishna Tandi, Balbhadra, Raju Tandi & Champeshwar Deep have been granted regular bail by the

Co-ordinate Bench of this Court. Hence, on the ground of parity, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that there is serious allegation against the present applicant and other co-accused, for which the FIR has been lodged, therefore, the present applicant is not entitled for grant of bail. Hence, no case is made out for grant of regular bail to the applicant.
4. Heard counsel for both the parties and perused the records.
5. As per the facts of the case, on the date and time of incident, it is alleged that Balbhadra Chhura along with 30-40 persons came to place of incident, armed with rods, clubs and knife, who formed unlawful assembly, thereafter the complainant was assaulted and injured brutally.
6. After considering the fact that name of the present applicant has not been appeared in the FIR and some of the co-accused have been granted bail by the Co-ordinate Bench of this Court, therefore, on the ground of parity, I am of the view that it would be proper to release the applicant on regular bail, hence, I feel inclined to grant bail to the applicant in this case.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun