

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7177 of 2020**

1. Omprakash Dahariya, S/o. Manharan Dahariya, aged about 29 years,
 2. Yogesh Dahariya, S/o. Manharan Dahariya, aged about 19 years,
- Both are R/o. Village Judaa, O.P. Lavan, P.S. Kasdol, District Balodabazar Bhatapara Chhattisgarh.

---- Applicants**Versus**

State of Chhattisgarh, Through : P.S. Kasdol, District Balodabazar Bhatapara Chhattisgarh.

---- Respondent

For Applicants : Mr. Anchal Kumar Matrey, Advocate

For Respondent/State : Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**09/11/2020**

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 applicants, who have been arrested in connection with Crime No.326/2020, registered at Police Station – Kashdol, District – Balodabazar – Bhatapara (C.G.) for the offence punishable under Section 147, 148, 149, 294, 506-B, 452, 436 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made

out against the applicant according to the material present in the case diary. FIR lodged is totally false and it is based on enmity between the parties. The similarly placed co-accused persons have been enlarged on bail by this Court in M.Cr.C. No.4478/2020 vide order dated 25.08.2020. Hence, it is prayed that the applicants may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that looking to the facts present in this case, the applicants are not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, FIR has been lodged on the date of incident alleging that these applicants along with other co-accused persons formed unlawful assembly armed with dangerous weapons and with common object abused and threatened the complainant with obscene words and forcibly entered into the house of the complainant. The house of the complainant was later on set ablaze by the applicants and other co-accused persons.
6. Considered the submissions made. As the co-accused persons, who appeared to be similarly placed, have been granted bail by the Coordinate Bench of this Court, therefore, on the ground of parity, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Arun