

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8335 of 2019**

1. Sanju Baghel, S/o Late Suresh Baghel, aged about 20 years, R/o Jaitkham Chowk Salhewar Para, Dhamtari, District – Dhamtari (C.G.)

2. Romesh Yadav @ Ramu, S/o Jowala Prasad Yadav, aged about 20 years, R/o Koshtapara Nandi Chowk Dhamtari, District Dhamtari (C.G.)

---- Applicants**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station City Kotwali Dhamtari, District – Dhamtari (C.G.)

----Respondent

For Applicant	: Mr. Sanjeev Kumar Sahu, Advocate.
For Respondent/State	: Mr. B.L. Sahu, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****06/02/2020**

(1) The accused/applicants have preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 395/2019 registered at police Station City Kotwali, Dhamtari, District Dhamtari for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code.

(2) Case of the prosecution in brief is that report was lodged by the complainant alleging that on account of dispute between the applicants and complainant relating to immersion of Ganesh idol, the applicants along with other co-accused persons abused him and also assaulted with the help of knife and thereby committed the aforesaid offence.

(3) Counsel for the applicants submits that the applicants have been falsely implicated in the crime in question as there is no evidence on record to connect the applicants with the

crime in question. He further submit that as the applicants are in jail since 17.09.2019 and similarly situated co-accused persons namely Umesh Sahu @ Pathalu and Ratnesh Sahu @ Durgesh @ Bhalu have already been granted bail by this Court vide order dated 14.01.2020 in M.Cr.C. No. 7525 of 2019, and, therefore, the present applicants may also be entitled for bail on the ground of parity.

(4) On the other hand, learned counsel for the State, after verifying the records, would submit that present case is similar to that of accused persons, who have already been granted bail by this Court in M.Cr.C. No. 7525 of 2019.

(5) Taking into consideration the facts & circumstances of the case; particularly the fact that similarly situated co-accused has already been granted bail by this Court vide order dated 14.01.2020 passed in M.Cr.C. No. 7525 of 2019 and the applicants are in detention since 17.09.2019 and the trial is likely to take some time for its final disposal; this court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

(6) Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

D/-

