

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4693 of 2021

Jhuruwa @ Devcharan Chandrakar S/o Baiju Chandrakar Aged About 33 Years
R/o Village Bagharra, P.S. Kunda, District Kabirdham Chhattisgarh., District :
Kawardha (Kabirdham), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, P.S. Kunda, District
Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Respondent

For Applicant	:	Shri Shubham Tripathi, Advocate
For State	:	Shri Ravish Verma, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

03/09/2021

Heard.

1. The applicant is arrested in connection with Crime No.202/2019 registered in Police Station- Kunda, District- Kabirdham (CG) for alleged commission of offence under Sections 294, 325, 506 (B)/34, 302 IPC.
2. Case of the prosecution, in brief, is that the applicant and co-accused Balram assaulted the deceased. According to the prosecution case, Balram assaulted the deceased on the head and present applicant is alleged to have assaulted on the leg.
3. Sole submission of learned counsel for the applicant is that co-accused Balram on whom allegation is of assault on the head has been released on bail by this Court vide order dated 26.7.2021 passed in MCRC No.2471 of 2021, therefore,

the present applicant may also be granted bail on the ground of parity. Learned counsel for the applicant submits that this Court had granted bail to co-accused considering the nature of evidence which has come out and considering the period of detention. These grounds are applicable to the present applicant also, therefore, the present applicant may also be released on bail.

4. On the other hand, learned counsel for the State opposed the application and submits that in the present case, Gorelal, before dying, had given statement regarding incident which has been duly recorded that when Gorelal was going on the road, present applicant and co-accused gathered around and declared that today they will kill the deceased and then they started assaulting him on the head with the help of rod and club. Co-accused is alleged to have assaulted on the head with rod, whereas, present accused/applicant is alleged to have assaulted on the leg with the help of club, resulting in fracture. He would argue that the manner in which the incident had happened and that even before the death, deceased -Gorelal had lodged report, that amounts to dying declaration. As the offence is heinous, applicant is not entitled to grant of bail.
5. I have heard learned counsel for the parties.
6. This Court finds that the allegation of hitting the deceased on his head with the help of a rod is on the co-accused Balram. However, Balram has been granted bail by taking into consideration the nature of evidence which has come out and also the period of detention. Therefore, in order to maintain parity, the present applicant is also required to be granted bail because there is no material to show that in the event of grant of bail, present applicant is likely to abscond or tamper with the prosecution witnesses.
7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and

- (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen