

The High Court Of Madhya Pradesh**MCRC-13571-2020***(SANTOSH @ GOLU KOL AND OTHERS Vs THE STATE OF MADHYA PRADESH)***Jabalpur, Dated : 27-06-2020**

(Through Video Conferencing)

Ms. Anchan Pandey, learned counsel for the applicants.

Shri Ritwik Parasar, learned P.L. for the State.

With the consent, finally heard.

This first bail application under Section 439 of the Code of Criminal Procedure, 1973 has been filed for grant of bail to the applicants in connection with Crime No.455/2016 for the offences punishable under Sections 147, 148, 149 and 302 of IPC registered at Police Station Panager, District Jabalpur.

Learned counsel for the applicants submits that the applicants have been falsely implicated by the respondent. They were available in the present place but they were not aware about the pendency of criminal case. Thus, by no stretch of imagination, it can be said that the applicants were absconding for four years. No action under Section 82 of Cr.P.C. was taken against the applicants.

Learned counsel for the applicants further submits that the main accused of the case is Sourabh Mishra, who was enlarged on regular bail in M.Cr.C. No.17868/2016 by this Court on 20.10.2016 whereas co-accused Atul Kumar Dubey was given anticipatory bail vide order dated 25.05.2017 in M.Cr.C. No.5929/2017. The applicants will not misuse the liberty of bail. They will cooperate and participate in the trial. They will not influence the material and evidence in any

manner. Hence by applying the principle of parity, they may be granted bail.

Shri Parasar, learned P.L. for the State submits that the main accused is in fact Satyendra Pandey who has not been granted bail.

No doubt, similarly co-accused Sourabh Mishra has been granted bail by this Court on 20.10.2016. Learned P.L. for the State is unable to point out that any proceeding under Section 82 of Cr.P.C. or like manner is ever initiated against the applicants. By applying the principle of parity since co-accused Sourabh Mishra has been granted bail and it is not pointed out that the applicants during these four years were actually absconding or did anything to hamper the trial, I deem it proper to grant bail.

It is directed that the applicants **Santosh @ Golu Kol and Bhaddu Kol** be enlarged on bail on their furnishing a personal bond in the sum of **Rs.50,000/- (R s . Fifty Thousand)** with one solvent surety each in the like amount to the satisfaction of the trial Court for securing their presence before the said Court regularly on all the dates of hearing fixed in this regard during trial and for complying with the conditions enumerated in sub-section (3) of Section 437 of Cr.P.C. shall also apply on the applicants during currency of bail.

M.Cr.C. is allowed.

C.C. as per rules.

(SUJOY PAUL)
JUDGE

