

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3366 OF 2015**

Govind Ram, aged about 30 years, S/o Teekam Rathia (Scheduled Tribe) R/o Village: Chodha, Tahsil: Kharsia, Police Stⁿ Kharsia, District Raigarh, Chhattisgarh

---Applicant

Versus

State of Chhattisgarh, Through Police Stⁿ Urga, Korba, District Korba, Chhattisgarh

---Non-applicant

For Applicant	:	Mr. Barun Kumar Chakrabarty, Advocate
For Non-applicant	:	Mr. S.R.J. Jaiswal, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****05/08/2015**

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. 85/2015, registered at Police Station Urga, District Korba, Chhattisgarh, for the offence punishable under Section 308 of IPC & 66/192, 3/181 & 5/180 of Motor Vehicles Act, 1986.

2. Case of the prosecution, in brief, is that, present applicant was driving offending Tractor on 18/03/2015 rashly and negligently carrying 50-60 persons in Trolley without license, by which, Tractor turned turtle and one person has died and several others suffered injuries.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that applicant is driver belongs Scheduled Tribe caste. He would also submit that no custodial interrogation is required

and no useful purpose would be served by keeping him in jail. He would lastly submit that charge sheet has been filed and applicant is in jail since 17/03/2015, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that one person has died in the accident and several others suffered injuries.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicant in offence in question; pretrial detention of the applicant and charge sheet has been filed, this Court is of the opinion that present is the fit case, in which, the applicant 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 applicant shall be released on bail on 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.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE