

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 228 of 2016

1. Kishan Singh, S/o. Chandrama Singh, aged about 24 years, R/o. Village-Dadarkhurd, Korba, Tahsil and District – Korba (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the In-charge, Out Post – Rampur, Police Station – City Kotwali, District – Korba (C.G.)

---- Respondent

For Applicant	: Mr. Suryakant Mishra, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/01/2016

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.384/2015, registered at Police Station – Out Post – Rampur, Police Station – City Kotwali, Korba, District – Korba (C.G.) for the offence punishable under Section 304 Part-II read with Section 34 of the Indian Penal Code, however, the charge sheet has been filed for the offences punishable under Section 304 Part-I, 34, 308 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 19.09.2015, the applicant was sitting along-other co-accused, Bhushan Singh, who was driving the vehicle No.C.G.-12-AE-7666 and while driving run over few of the children who were playing on the ground at that time, Bhushan Singh was driving the vehicle and this applicant has instigated Bhushan Singh to drive the vehicle for the reasons that they have dashed the Activa Vehicle.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the

entire allegation have been attributed to one Bhushan Singh, who was driving the car and the present applicant was only sitting as co-passenger in the car and nothing can be attributed to this applicant as at that time they have being chased by the mob. He would further submit that considering the role played by this applicant and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 20.09.2015, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the case diary. Charge-sheet in this case has been filed. Taking into the fact that main allegation has been attributed to Bhushan Singh, and the allegation against this applicant is that he was sitting beside the other co-accused, Bhushan Singh. Further taking the role played by this applicant and the fact that the applicant is in jail since 20.09.2015, this Court is of the opinion that present is a 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 his 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/-
(Goutam Bhaduri)
Judge