

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 227 of 2016

1. Yogendra Kumar, S/o. Rajesh Mishra, aged about 24 years, R/o. Village-Jigna, Police Station – Jigna, District – Satna (M.P.) at present R/o. Deshi Liquor Shop, Bhatgaon, Police Station & Tahsil – Bilaigarh, District – Balodabazar-Bhatapara (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station – Bilaigarh, District – Balodabazar-Bhatapara (C.G.)

---- Respondent

For Applicant	: Mr. Aman Kesharwani, Advocate
For Respondent/State	: Mr. Sangharsh Pandey, 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.286/2015, registered at Police Station – Bilaigarh, District – Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 304 of the Indian Penal Code (as per charge sheet the offence under Section 304 of IPC and Section 3/181, 5/181 of Motor Vehicles Act are mentioned).
2. Case of the prosecution, in brief, is that on 19.10.2015 when the person of excise department raided at that time, the applicant and the other persons, who were preparing the liquor tried to fled away on Bolero Car bearing No.C.G.-04-AR-3571 and at that time, the vehicle was being drive by the applicant in a rash and negligent manner and intentionally while running away, the vehicle run over one Mithun Gond and the other injured came under the wheels of the vehicle.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that it is a simple case of accident and there was no intention to kill the villagers and all of a sudden, the accident occurred. He would further submit that charge-sheet in this case has been filed and no further investigation is necessary and the applicant is in jail since 21.10.2015, therefore, the counsel prays that 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 statement of Jagnathiya Gond and other documents and further considering the facts and circumstances of the case, taking the fact that charge-sheet in this case has been filed and the applicant is in jail since 21.10.2015, 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