

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7514 of 2017**

Vilas Kuthe S/o Jadorao Kuthe, Aged About 26 Years R/o Village
Rajegaon, Police Station Kirnapur, District Balaghat (M. P.)

---- Applicant

Versus

State of Chhattisgarh through the Police Station, Gatapar
Rajnandgaon Chhattisgarh

---- Respondent

For applicant	Mr. Shaleen Singh Baghel, Adv.
For Respondent/State	Mr. UNS Deo, Govt.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****15-12-2017**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. Perused the copy of the case diary produced by counsel for the State in connection with Crime No. 57/2017 registered in police station Gatapar, Distt. Rajnandgaon (CG) for offence punishable under Sections 279, 429, 186 and 307 of the Indian Penal Code, 1860 and also heard counsel for the parties.
3. Prosecution story in brief is that on 1-11-2017 at village Ratabharri at about 9 am the applicant had driven rashly and negligently truck bearing registration No. MH 35 K 1429 and dashed the cattle of the complainant Punaram who were crossing the road as a result of which 4 cattle died and 23 got injured. Seeing this, when complainant tried to stop the truck, the applicant also tried to kill him by rash and negligent driving of the truck and thereafter also tried to kill police personnel.
4. The applicant is in custody since 1-11-2017.
5. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he be released on bail.
6. On the other hand, the State counsel opposed the bail application.
7. Looking to the above facts and circumstances of the case, looking to the facts that there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, applicant is in custody

since 1-11-2017, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 15,000/- along with one personal bond of the like sum to the satisfaction of the ACJM, Khairagarh with the condition that he will appear before the concerned Court at 11 AM as and when directed till trial, he be released on bail.

8. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge