

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.6719 of 2017

Raj Bahadur Singh S/o Kashi Singh, aged about 40 years, R/o Kanchanbag, Rajnandgaon, Tahsil & District Rajnandgaon (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through – S.H.O., Police Station Lalbag, District Rajnandgaon (C.G.).

---Respondent

For applicant	:	Shri Aditya Bhardwaj, Advocate.
For resp./State	:	Shri Anand Dadariya, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02/01/2018

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.36/2017 registered at Police Station Lalbag, District Rajnandgaon (C.G.) for the offence punishable under Section 304 of I.P.C.
2. The applicant is in jail since 04/10/2017.
3. The allegation against the present applicant as per the prosecution case is that, the present applicant is said to have assaulted the driver of the Truck presuming him to be the driver with which the accident occurred in which a girl student of the Polytechnic College, Rajnandgaon had died.
4. The counsel for the applicant submits that, it is a case where the present applicant has been falsely implicated at the behest of the persons

who are business rivals and that the present applicant had never assaulted the deceased. He further submits that from perusal of the case diary it reveals that, it has been a mob attack made on the deceased, but only the name of the present applicant has been reflected in the F.I.R. and thus prayed for releasing the applicant on bail.

5. The State counsel however opposing the bail application submits that, since in the instant case, the statements of the eye-witnesses are recorded who has stated that it was the present applicant who had assaulted the deceased and thus prayed for rejecting the bail application.

6. Considering the entire facts and circumstances of the case, particularly the nature of incident so also the period of custody undergone, this Court is of the opinion that a strong case has been made out for grant of bail to the present applicant.

7. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Sumit

Sd/-
(P. Sam Koshy)
JUDGE