

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6059 of 2018**

- Mohd. Shafi @ Lallu Khan S/o Mohd. Ishaque Aged About 42 Years R/o- Ruabandha, Gandhi Chowk, Bhilai Nagar, District- Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station- Rawghat, Civil And Revenue District- South Bastar Kanker, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Jitendra Gupta, Advocate

For Non-applicant : Shri Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**26.09.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 57/2018 registered at Police Station – Rawghat, District – Durg (C.G.) for the offence punishable under Section 308/34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 29.06.2018 police official Rawghat received information via wifeless set from Police Station Antagarh that some people are absconding after committing theft of goats on Maruti van CG 07 BC 7242. In front of the police station

Rawghat the police made blockade. Accused Vijendra Kumar Pandey @ Banti was driving the said vehicle who run the vehicle over constable Bhavsingh Markam. The constable Bhavsingh received injury on his left leg. Applicant, Sheikh Kayum and Ansar Ali were also present in the said vehicle.

4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, he submits that there is one another case under IPC has been registered against the applicant.
6. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.
7. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
8. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs. 50,000/- in the like sum to the satisfaction of the concerned Trial Court with the condition that he shall not involve himself in any other crime in future, he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE