

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9568 of 2018**

1. Ramsingh Gond S/o Ramkailash Aged About 19 Years R/o Kashikund, Nearby Government School, District- Sonbhadra, Uttar Pradesh. Present R/o Sadar Road, Ambikapur, District- Surguja, Chhattisgarh.
2. Jagdish Prasad S/o Harish Prasad Aged About 40 Years R/o Bamhani Ward No. 1, Karmantola, District- Sonbhadra, Uttar Pradesh, Present R/o Ramanujganj, District- Balrampur, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station- Chhal, District- Raigarh, Chhattisgarh.

---- Non-applicant

For Applicants	:	Mr. G.V. Kutumba Rao, Advocate
For Non-applicant	:	Mr. Ravindra Agrawal Govt. Advocate

Hon'ble Shri Justice Parth Prateem Sahu**Order On Board****20/12/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the applicants who have been arrested in connection with Crime No. 84/2018 registered at Police Station Chhal, District Raigarh (C.G.) for the offence punishable under Sections 279, 337, 304 read with Section 34 of the Indian Penal Code.
2. Case of the prosecution is that on 29.06.2018 at about 3.00 pm, when the applicant Ramsingh Gond was driving the truck bearing its registration No. CG15/D/5735 entered into the puncher repairing shop situated by the side of the road and in the accident, two persons who are mechanics of the shop came under the truck and succumbed to death.

3. Learned counsel for the applicant submits that at the time of accident, Ramsingh Gond was driving the truck and Jagdish Prasad was sitting on the truck, who was licensed driver of the truck. He further submits that the accident occurred due to some mechanical failure of the truck, therefore, the applicants may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and submits that the said truck was examined by the truck mechanic and it has been found that there was no mechanical defect.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the facts and circumstances of the case and the manner, in which, accident took place as well as looking to the period of detention of the applicants i.e. since 30.06.2018, I am inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.10,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Parth Prateem Sahu)
Vacation Judge