

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4557 of 2019**

- Raju Dhruw S/o Munnalal Dhruw Aged About 28 Years R/o Budhwari Bazar, Police Station Khamtarayi, Tehsil And District Raipur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police Station Telibandha, District : Raipur, Chhattisgarh

---- Respondent

For Applicant. : Shri B.P. Sharma, Advocate.
For Respondent. : Shri Anurag Verma, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06/08/2019**

1. The applicant has filed this *First bail application* under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 25.06.2019 in connection with Crime No.335/2019 registered at Police Station : Telibandha, District - Raipur (C.G.) for the offence punishable under Section 304 and 308 of the IPC.
2. As per the prosecution case, on 21.06.2019, a complaint was made by the complainant, alleging in that, when he was on his way with one Momita Atterjee to bariyakala via Phunderchowk, one truck bearing registration number CG 04 HJ 7222, which was being driven by the applicant in rash and negligent manner, hit the motor-cycle of the complainant as well as one another Tata Magic bearing registration number

CG 04 LY 9590, due to which the deceased namely Momita Atterjee sitting in the back seat of the motor-cycle of the complainant died at the spot. Thereafter, the FIR was lodged against the present applicant. Based on this, the applicant was arrested on 25.06.2019.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He further argued that this is the simple accident case in which the applicant has no intention to kill the deceased. He further submitted that the applicant is in custody since 25.06.2019 charge-sheet has not been filed and trial will take some more time, therefore, he may be released on bail.
4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case and the fact that the applicant is in custody since 25.06.2019, charge-sheet has not been filed yet, trial will likely to take some more time and looking to the material available on record, this Court is of the opinion that it is a fit case to release the applicant on bail.
7. Accordingly, the application is allowed.

8. It is directed that the accused/applicant shall be released on bail on his furnishing a personal bond of Rs.25,000/- with one local surety for the like sum to the satisfaction of the concerned Court for his appearance before it as and when directed.

Sd/-
(Rajani Dubey)
Judge

yasmin