

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1220 of 2020**

- Aaytu Bhaskar S/o Arra Bhashkar Aged About 25 Years R/o Village Kamlur, Mosapara, Police Station Bhansi, District Dantewada, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station - Bhansi, District Dantewada, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shrawan Agrawal, Advocate.

For Respondent/State : Mr. Raghvendra Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16.07.2020**

- The accused/applicant has moved his first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 15/2019 registered at Police Station– Bhansi, District- Dantewada (C.G.) for the offence punishable under Sections 150(a) and 151 of Railway Act, 1989.
- According to the prosecution story, the complainant R.Apla Swami, Loco Pilot lodged a report on 20.09.2019 that as on 19.09.2019 he was driving train No. OK 28/G9C and Engine No. 31501, 31900, 31897 from Kamalpur to Bhansi and near Pole No. 420/17 one cut piece rail found in railway track, he used emergency break and train stopped near pole. The FIR has been registered against the unknown person in Crime No. 15/2019 under Sections 150(a) and 151 of Railway Act, 1989.
- Learned counsel for the applicant submits that the applicant is innocent person. He further submits that the present applicant arrested on 03.10.2019 for the alleged offence while police having no evidence against the present applicant. He also

submits that on 03.10.2019 police caught the applicant in the forest on the basis of doubt and recorded his memorandum statement and seized one piece of rope nylon from open place and in the present case except from memorandum there is no evidence against the present applicant and only in intention to implicate the applicant has been made accused. He next contended that the present applicant is in jail since 03.10.2019, therefore, he may be granted bail.

- On the other hand, counsel for the State opposes the bail application and submits that the present applicant was involved in unlawful assembly and there are 5 to 6 criminal cases pending against him which shows that he is a habitual offender, therefore, he may not be granted bail.
- I have heard learned Counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant, as trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
- Accordingly, the bail application is allowed.
- It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 50,000/-, with one local surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Sd/-
(Rajani Dubey)
Judge

Vasant