

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4255 of 2020**

- Santosh Kumar Mehar, S/o Banshi Ram Mehar, Aged about 27 years, R/o Kargi Road, Kota, PS Kota, District Bilaspur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through – PS- Udaipur, District Surguja (C.G.)

---- Respondent

For Applicant	:	Mr. Dashrath Kushwaha, Advocate.
For Respondent/State	:	Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17/08/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 81/2019 registered at Police Station- Udaipur, District Surguja (C.G.) for the offence punishable under Sections 279, 337, 308 and 304 of the Indian Penal Code and under Section 185 of the Motor Vehicle Act.
2. The prosecution story in brief is that, the present applicant while driving the vehicle rashly and negligently manner dashed the motor cycle No. CG 15 DF 0243, Hero Honda Deluxe, resulting with Dhansai and Gopal received injuries and during treatment Gopal was died on the basis of that, the concerned police station has registered the crime against the present applicant in aforementioned offence.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in the crime in question. He further submits that the present applicant is a driver and he was drive the vehicle with carefully but the victim has driving his vehicle rashly and negligently manner and dashed the vehicle of the

present applicant, therefore, alleged offence could not attributed against the present applicant. He next submits that the applicant is in jail since 05.09.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicant is of serious in nature; therefore, no case is made out for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering that the applicant is in jail since 05.09.2019, and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**