

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.6300 of 2020

- Naveen Nishad, S/o Bhupdev Nishad, Aged About 20 Years, R/o Ward No.06, Gharghoda, Police Station and Tahsil Gharghoda, District Raigarh, Civil and Revenue District Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Officer-in-Charge, Police Station Gharghoda, District Raigarh, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Shri Ashutosh Mishra, Advocate
Shri B. P. Banjare, Dy. GA

Hon'ble Justice Shri Gautam Chourdiya

Order On Board

04/12/2020

1. The applicant has preferred this first bail application under Section 439 of CrPC, as he has been arrested in connection with Crime No.204/2020, registered at Police Station Gharghoda, District Raigarh (C.G.) for the offence punishable under Sections 147, 148, 149, 307 & 435 of IPC.
2. The case of the prosecution in brief is that on 17.08.2020 at 3 pm, there was accident at Village Bhendra Mod, Police Station Gharghoda by one truck bearing registration No.MH-19-Z7176 and in the said accident, one girl child was crushed and thereafter died. The unknown persons pulled down the truck driver and helper and then assaulted by club and hands and

grievous injuries were caused to them and an attempt was made to cause their death. The truck was also burnt by these persons. Name of the present applicant is also there in the statements of the witnesses.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. No case is made out against the applicant according to the material available in the case diary and at the instance of villagers and just to take revenge, the applicant has been made the accused. The applicant is in jail since 23.08.2020 and conclusion of trial may take some time, therefore, the applicant may kindly be enlarged on bail.
4. Learned State counsel opposes the bail application.
5. The co-accused Vikas Chauhan and Rameshwar Das have been granted bail by the Coordinate Bench in MCRC No.7173/2020 vide order dated 09.11.2020.
6. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case and looking to the entire evidence available on record, it appears that the allegations are the same as against the present applicant and the co-accused Vikas Chauhan and Rameshwar Das and they have already been granted bail by the Coordinate Bench; charge sheet has already been filed, the applicant is in custody since 23.08.2020 and conclusion of the trial may take some time, this Court is inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed and it is directed that in the event of applicant's executing a personal bond for a sum of Rs.25,000/- with one surety of Rs.25,000/- to the satisfaction of the Trial Court, the applicant be released on bail. He is directed to appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.
8. It is made clear that the applicant shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-
Gautam Chourdiya
Judge

Nirala