

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 6853 of 2020**

- Madan Lal Sahu, son of Ajar Sahu, aged about 38 years, R/o Near Pani Tanki, Sheetalapara, Rasmada, Tahsil and District Durg, Chhattisgarh

---- Applicant (In Jail)**Versus**

- State of Chhattisgarh Through the Station House Officer, Police Chowki Anjora, Police Station Pulgaon, District Durg Chhattisgarh

---- Respondent

For Applicant	: Shri TK Jha, Advocate
For Respondent/State	: Shri Sidharth Dubey, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board**08.12.2020**

1. Applicant has preferred this application under Section 439 CrPC for grant of regular bail as he has been arrested in connection with Crime No.336 of 2020 registered at Police Chowki Anjora, Police Station Pulgaon, District Durg for the offence punishable under Section 308 of the IPC.
2. Case of the prosecution in brief is that the applicant while driving Tractor bearing No.CG04 LD-9345 has intentionally dashed the Car of Sandeep Kumar, who was travelling along with Prasant Kamrakar, Vice President of the Company, to cause death of Sandeep Kumar. In the said incident, Car on which they were travelling was badly damaged but somehow, Sandeep and other persons have saved their lives.
3. Shri TK Jha, learned counsel for the applicant submits that the allegation levelled against the applicant is false and frivolous. The photographs which he placed on record would show that the vehicle was not damaged from the front side; but the damage is on the left side. It shows that there was no head on collision showing the intention of applicant to cause any accident as alleged

against him. He further pointed out that only on the apprehension, allegation is levelled against the applicant as the applicant along with other three persons have been restricted to enter into the factory/plant of the Company before the accident. He further points out that two accused persons have been enlarged on bail by the Session Court. Case of the applicant is on similar footing. The applicant is in jail since 08.09.2020 and charge-sheet has already been filed after completion of the investigation.

4. On the other hand, Shri Sidharth Dubey, learned Dy Government Advocate for the State opposing the submission made by Shri Jha, submits that as per the allegations levelled against the applicant, after dashing the Car of Sandeep Kumar, applicant drove his vehicle and carried the Car for about 300 mtrs as stated by Prashant Kamrakar, who was travelling on the vehicle at the time of accident. Similar statement is made by Sujeet Kumar and Maneesh Sharma. The act of the applicant shows the intention of the applicant for committing the offence as alleged against him. He opposes the bail application on the aforementioned grounds.

5. I have heard learned counsel for the parties and also perused the case-diary.

6. The offence committed under Section 308 of the IPC is punishable for three years imprisonment or fine or both and if hurt is caused to any person shall be punished with either description which may extend to seven years or fine or with both. The applicant is in jail from 08.09.2020 and charge-sheet has also been filed.

7. Considering the entirety of the facts of the case, nature of offence alleged, period of pre-trial detention, I am inclined to enlarge the applicant on bail.

8. Accordingly, the bail application is allowed. It is directed that the applicant be released on regular bail upon furnishing a bail bond in the sum of Rs.10,000/- (Rupees ten thousand) with one surety in the like sum to the satisfaction of the Court below concerned, he be released on bail for appearance before the Court below as and when directed on all the dates of hearing.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE