

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7173 of 2020**

1. Vikas Chauhan, S/o. Gangaram Chauhan, Aged About 23 Years, Occupation – Student.
2. Rameshwar Das, S/o. Asmas Das, aged about 30 Years, Occupation - Labour,

Both are R/o. Village Chuhkimar (Bhendra), Police Station and Tahsil Gharghoda, District Raigarh Chhattisgarh.

---- Applicants**Versus**

State of Chhattisgarh, Through : The Station House Officer, Police Station Gharghoda District Raigarh Chhattisgarh.

---- Respondent

For Applicants : Mr. M.K. Jaiswal, Advocate

For Respondent/State : Mr. Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**09/11/2020**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.204/2020, registered at Police Station – Gharghoda, District – Raigarh (C.G.) for the offence punishable under Section 147, 148, 149, 307, 435 of the Indian Penal Code.

2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicant according to the material present in the case diary. The applicants have not been named in the FIR. Hence, it is prayed that the applicants may be released on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the eyewitnesses have named these applicants as being the assailants and had participated in the commission of offence, therefore, the applicants are not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. FIR has been lodged on the date of incident alleging that one truck bearing registration no. M.H.-19Z-7176 got involved in the accident, in which, a child was crushed and that caused her death. About 8 – 10 unknown persons pulled down the truck driver and helper, who were 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 these persons are revealed in the statement of the witnesses.
6. Considered the submissions made. After considering the facts and circumstances of the case and further taking into consideration the fact that the applicants have no criminal antecedents, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Balram