

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7666 of 2019**

1. Mathura Prasad Kashyap S/o Shri Gokul Kashyap Aged About 28 Years, R/o Near Mission Hospital Ward No. 17, Bhojpur Champa, Police Station Champa, District Janjgir-Champa, Chhattisgarh.
2. Baba Karsh S/o Shri Panchram Karsh Aged About 23 Years, R/o Near Mission Hospital Ward No. 17, Bhojpur Champa, Police Station Champa, District Janjgir-Champa, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh, Through : Station House Officer-RPF Champa District Janjgir-Champa, Chhattisgarh,

---- Respondent

For Applicants	:	Mr. Dheerendra Pandey, Adv.
For Respondent/State	:	Mr. Akhtar Hussain, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****20/01/2020**

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 679/2019 registered at Police Station-RPF, Champa, District - Janjgir-Champa (C.G.) for the offence punishable under Sections 145, 146, 174(C) and 160(B) of Railway Act.
2. The prosecution story, is that on 22.10.2019 at Railway Yard Mission Level Crossing Gate at about 22:25 hours gate keeper closed the gate and about 22:30 hours two unknown persons used filthy language with another person and assaulted to each other and due to this the gate boom damaged and on made objection by the gate keeper they used filthy language after that down home signal turned red due to damage of gate boom goods train has

stopped. On the basis of statement of the gate keeper the present applicants were arrested. Based on this, offence has been registered against the present applicants.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that the applicants are in jail since 30.10.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
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 applicants and further considering the facts that the offence is triable by Judicial Magistrate First Class. The present applicants are in jail since 30.10.2019 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 applicants on bail. Accordingly, the application is allowed.
7. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

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