

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.5787 of 2021**

Pramod Vishwakarma S/o. Ramprit Vishwakarma Aged About 34 Years
R/o. Village Nebua Naurangia, Police Station Nebua Naurangia, District
Kushinagar (Uttar Pradesh) **---- Applicant**

Versus

State Of Chhattisgarh Through Police Station Baghbahra, District
Mahasamund (Chhattisgarh), District : Mahasamund, Chhattisgarh
---- Non-Applicant

For Applicant:	Shri Anshul Tiwari appears on behalf of Shri Shubhank Tiwari, Advocates.
For Non-Applicant/State:	Shri Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board through Video Conference

01.09.2021

1. The Applicant has preferred this application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.122/2021 registered at Police Station Baghbahra, District Mahasamund, C.G. for the offence punishable under Sections 279, 337, 338 & 308 IPC and under Section 185 of the Motor Vehicles Act.

2. Allegation against the present Applicant is that in the intervening night of 02.06.2021 he was driving the truck bearing Registration No.CG 04 M 8050 in a rash and negligent manner under the influence of alcohol, as a result of which, the Complainant's Metador bearing Registration No.O.D 17 V 1542 loaded with materials along with other vehicles was overturned on the National Highway.

3. Learned Counsel for the Applicant submits that the Applicant has been falsely implicated in the crime in question for which, he is

in jail since 04.06.2021 and that there is no incriminating material against him which may hold him guilty for the commission of offence punishable under Sections 279, 337, 338 & 308 IPC and under Section 185 of the Motor Vehicles Act.

4. On the other hand, learned State Counsel opposed the bail application. However, he submits that the Applicant has no criminal antecedents.

5. I have heard learned Counsel for both the parties and perused the case diary.

7. Considering the facts and circumstances of the case, the fact that the Applicant is in jail since 04.06.2021, the fact that there are no criminal antecedents against him and that the trial may take some time due to Covid-19 Pandemic, without expressing any opinion on the merits of the case, I am inclined to allow this application.

8. Accordingly, the instant M.Cr.C is allowed and it is directed that in the event of the Applicant's executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

- i. he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- iv. he shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.

v. he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in any offence in future.

Sd/-

Gautam Chourdiya
JUDGE

Priya