

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 7208 of 2021

Akash Vishwakarma S/o Ramlochan Vishwakarma, Aged About 18 Years,
R/o Village Ranjhi, District Jabalpur, M.P.

---- Applicant

Versus

State of Chhattisgarh Through The Station House Officer, Police Station
Kamleshwarpur, District Surguja, Chhattisgarh.

--- Respondent

For Applicant	:	Mr. Dinesh Patel, Advocate.
For State	:	Mr. Shrikant Kaushik, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

09/12/2021

1. This first bail application is filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.40/2021, registered at Police Station -Kamleshwarpur, District Surguja, (C.G.), for commission of offence punishable under Sections 363, 365, 370, 34 of IPC.
2. Case of prosecution is that on 11.06.2021 one Tavera Vehicle bearing registration No.MP/20/CG/5081 was intercepted by the Police on barrier, during search they found that applicant (driver of vehicle) was carrying minor children on his vehicle. When minor children were interrogated they stated that Shiva Manjhi and Sudama Manjhi have stated that if they work at Ambikapur they will earn Rs.10,000/- per month. Upon which, they agreed to come at Ambikapur for doing work. When vehicle in which minor children were travelling not stopped at Ambikapur, minor children asked applicant to stop the vehicle but instead of stopping the vehicle he continued running vehicle. Based upon statements of minor children, aforementioned crime is registered and applicant, who was driving the vehicle was arrested. Subsequently, Shiva Manjhi and Sudama Manjhi were also arrested.
3. Learned counsel for applicant submits that applicant is not involved in any manner in the instant crime. He was working as driver in vehicle, as per

instruction of owner of vehicle, he came to Chhattisgarh and the labourers who was collected by Shiva Manjhi and Sudama Manjhi boarded on vehicle. He is not aware of the fact that what transpire between Shiva Manjhi and children. He was also not aware that they are minor. Even in statements of children, they have not stated that, it is applicant who stated that they will earn Rs.10,000/- at Ambikapur or have any interaction. There is no other criminal antecedent against applicant. He is aged about 18 years.

4. Learned State Counsel opposes the submission of learned counsel for applicant and submits that statements of minor children it has come that when they asked applicant to stop the vehicle at Ambikapur, instead of stopping the vehicle he continued running the vehicle in high speed. Hence, there is prima facie involvement of applicant in aforementioned crime. However on putting specific query with regard to any criminal antecedent against applicant, he submits that as applicant is a resident of Madhya Pradesh, hence, there is no mention of any criminal antecedent in case diary.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, age of applicant to be 18 years, working as driver in vehicle, and the fact that there is no allegation against applicant that he induced the minor children for working and earning higher wages at Ambikapur, submissions of learned counsel for the parties that no any other criminal antecedent against applicant is reported, without commenting anything on merits of the case, I am inclined to allow this application.
7. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing a bail bond in sum of **Rs.25,000/-** with one local surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) Applicant shall appear before Trial Court regularly on each and every date, unless exempted from appearance.

- b) He shall not, in any manner, tamper with the prosecution witnesses.
- c) If he is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-