

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8845 of 2020**

- Mohsin @ Bhuru Khan, S/o Samim Khan, aged about 28 Years, R/o Ward No. 02, Sai Colony Gharghoda, P.S. and Tahsil Gharghoda, District Raigarh, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through- Station House Office, Police Station Gharghoda, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant
For State

Shri Ajeet Kumar Yadav, Advocate.
Shri Sameer Uraon, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

18/01/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of bail as he has been arrested in connection with Crime No.204/2020 registered at Police Station – Gharghoda, District Raigarh, C.G. for the offence punishable under Sections 147, 148, 149, 307& 435 of Indian Penal Code.
2. The case of the prosecution in brief is that on 17.08.2020 at 3:00 pm, there was accident at village Bhendra Mod, Police Station Gharghoda by one truck bearing registration No. MH-19-Z-7176 and in the said accident, one girl child was crushed and thereafter died. The unknown persons pulled down the truck driver and helper and 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. During investigation, the present applicant was also found to be involved in the commission of the crime.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant is in jail since 02.11.2020, charge sheet has already been filed, nothing is required to be seized from the applicant and more so, the similarly situated co-accused person namely Naveen Nishad in MCRC No.6300 of 2020 has already been granted regular bail by this Court vide order dated 04.12.2020 and co-accused persons namely Vikas Chauhan and Rameshwar Das in MCRC No.7173 of 2020 have already been granted regular bail by the Co-ordinate Bench of this Court vide order dated 09.11.2020, therefore, the applicant be also granted bail on the ground of parity.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, the detention period of the applicant, in particular the fact that the similarly situated co-accused persons have already been granted regular bail by this Court and that conclusion of trial may take some time, without expressing any opinion on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond

for a sum of Rs.25,000/- with one surety of Rs.25,000/- 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 not involve himself in any offence of similar nature in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh