

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.4189 of 2015

Raju Yadav, S/o Dinanath Yadav, aged about 26 years, R/o Avadesh Transport, Bhilai-3, Tah. & Distt. Durg (C.G.), Permanent R/o Village Mahathia, P.S. Navedia, Distt. Jainpur (U.P.)

---- Applicant

Versus

State of Chhattisgarh, Through P.S. City Kotwali, District Rajnandgaon (C.G.)

---- Non-applicant

For Applicant: Mr. P.R. Patankar, Advocate.

For Non-applicant: Mr. Siddarth Rathore, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

24/08/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.470/2015, registered at Police Station City Kotwali, Distt. Rajnandgaon, for the offence punishable under Section 304 of the IPC.
2. Case of the prosecution, in brief, is that on 21-7-2015, the applicant while driving the offending vehicle rashly and negligently caused the death of cyclist Chainlal Markam by which he suffered grievous injury and died.
3. Learned counsel for the applicant submits that offence under Section 304A of the IPC is made out against the applicant and no offence under Section 304 of the IPC is made, as such, there was no evidence and he is in jail since 22-7-2015. Charge-sheet has not been filed.
4. On the other hand, learned State counsel opposes the application.

5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, evidence available, the manner in which the death is said to have been occurred and pre-trial detention of the applicant, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge