

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC NO. 4245 of 2015**

Ram Kumar Rathiya S/o Sheetal Rathiya, aged about 28 years, R/o-village Kenabhatha, Madanpur, P.S. & Tahsil-Kharsiya, Civil and Revenue District-Raigarh (CG)

---Applicant

Versus

State of Chhattisgarh, through Station House Officer, P.S.-Kharsiya, District Raigarh (CG)

---Non-applicant

For Applicant	:	Mr. F.S. Khare, Advocate
For Non-applicant	:	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

24/08/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.310/2015, registered at Police Station-Kharsiya, District-Raigarh (C.G.), for the offence punishable under Section 304 of the IPC.

2. Case of the prosecution, in brief, is that the present applicant while driving the motor-cycle rashly and negligently dashed Suresh Panda, by which Suresh Panda suffered serious injuries and died thereafter.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that in fact, at the most, offence under Section 304A of the IPC would be made out against the applicant, he is in jail since 4.7.2015 and charge-sheet is yet to be filed, therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; material collected on behalf of the prosecution and pre-trial detention of the applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

B/-