

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5919 of 2015

Deepak Yadav, S/o. Ramsevak Yadav, Aged About 36 Years, R/o. Parsa Police Station Saurabgarh, District Siddharth Nagar, State U.P. Presently R/o. Village Gudi, Seepat, Police Station Seepat, District Bilaspur Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh, Through S.H.O. Police Station Nevra, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shrikant Mishra, Advocate

For Respondent : Mr. O.P.Sahu, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.110/2015 registered at Police Station- Nevra, District Raipur (C.G.) for the offence punishable under Section 304 Part-I of Indian Penal Code.
2. Case of the prosecution is that the accused while driving a Truck dashed the pickup near Simga, thereafter, he was chased by the deceased namely Naresh who whom the pickup belonged and after crossing a distance of 22 km the deceased tried to catch hold of the Driver i.e. the applicant and in that process, he fell down. Consequently, the deceased was run over by the rear wheels of the Trailer.
3. Learned counsel for the applicant submits that the deceased Naresh while was trying to stop the vehicle lost his balance and therefore fell down. Consequently he came under the rear wheels

of the Trailer and there cannot be any intention as the Trailer has already traveled 22 km after dashing the pickup vehicle at Simga. He further submits that the charge sheet has been filed and therefore, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact and the manner in which the offence is committed and the evidence which is available on record and taking into the fact that the charge sheet has been filed and the applicant is in jail since 18.05.2015, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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/-
(Goutam Bhaduri)
Judge