

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5769 of 2016

Shahrukh Khan W/o Shabaz Khan, Aged About 23 Years, By Caste
- Mohammedan R/o Dharjiyabathan, Police Station & Tahsil -
Patthalgaon, Distt. Jashpur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through, Station House Officer, Police
Station - Bagicha, Distt. Jashpur Chhattisgarh .

---- Respondent

For applicant - Shri Awadh Tripathi, Advocate.
For Respondent/State – Shri Anil S. Pandey, G.A..

Hon'ble Shri Justice Goutam Bhaduri

Order

26/09/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.163/2016 registered in Police Station Bagicha, Distt. Jashpur (C.G.) for offence punishable under sections 279, 304 (II) of IPC.
2. As per the prosecution case, on 12/08/2016 the applicant who was driving vehicle CG 14 MC 5326 went to certain place while returning over the bridge over Maini river, despite the flood and it was over flowing, the applicant tried to cross it and as such the vehicle was washed away in the flood and six persons died.
3. Learned counsel for the applicant submits that there is no intention on behalf of the applicant as the applicant had went alongwith the passengers to Kailash cave and at that time also water was there, however while returning incident happened and there is no intention of the applicant to cause such death and no further investigation would be necessary. Therefore, learned counsel submits that the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.

5. Considering the facts and circumstances of the case, the way offence has been alleged to have been committed, taking into totality of the case, no further custodial interrogation may be necessary, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE