

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 427 of 2016**

- Durbal Yadav, S/o Kartik Yadav, aged about : 25 years, R/o Gandarba, Bhawani Patna Road, Police Station : Sidebhasa, Revenue and Civil District: Balangir (Orissa) Present R/o Village : Aheri Infront of Airport, Form House of Chhote Lal Yadav, Police Station : Nandni, Revenue and Civil District : Durg (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through: District Magistrate Durg, District : Durg (C.G.) and also through Police Station : Chhawani, District : Durg (C.G.)

---- Non-applicant

For Applicant: Mr. P.K. Patel, Advocate.

For Non-applicant/State: Mr. Adhiraj Surana, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****03/02/2016**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.627/2015 registered at Police Station Chhawani, District Durg for the offences punishable under Sections 304 & 308 of the Indian Penal Code.

(2) Case of the prosecution in brief is that applicant, while driving the offending vehicle rashly & negligently, caused death of three persons and also caused grievous injuries to two

persons and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that at the most offence under Section 304-A of the IPC is made out against the applicant. He further submits that applicant is in jail since 21.10.2015; and no useful purpose would be served in detaining him in jail and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that the applicant is resident of Gorakhpur, Bihar and he is likely to be absconded, if he is released on bail; and on account of his rash and negligent driving three persons died whereas two persons are injured and, therefore, he is not entitled to be released on bail.

(5) After hearing learned counsel for the parties and taking into consideration the facts & circumstances of the case and the manner in which applicant caused death of three person and also caused grievous injuries to two persons; I am not inclined to released the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

