

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6434 of 2016

- Mahendra Kumar Mishra S/o Ram Naresh Mishra Aged About 22 Years R/o Village- Kudeli, Police Station- Jaitpur, District- Shahdol, Madhya Pradesh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer Police Station- City Kotwali Mungeli, District- Mungeli, Chhattisgarh. (In Order Sheet Mentioned As Kotwali Mungeli As Well As City Kotwali Mungeli).

---- **Respondent**

For Applicant : Mr. F.S. Khare, Advocate

For Respondent/State : Mr. Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02-11-2016

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 on 9-8-2016 in connection with Crime No. 377 of 2016, registered at Police Station City Kotwali, Mungeli, District Mungeli (CG) for the offence punishable under Section 304 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that on 3-8 -2016 the applicant who was a Truck driver of the vehicle bearing registration No. CG/10-C/9970 carried hot bed materials to the factory of Kuleshwar Singh Parhar and the raw materials which were being used for making bricks were unloaded by the truck as a result of which four labourers got severe injuries due to hot air and subsequently they

died in the hospital during the course of treatment and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case and maximum the case would fall under Section 304-A of the IPC for negligence on the part of the applicant. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 9-8-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 9-8-2016, this court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall 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 trial Court for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

