

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6618 of 2016

Vikas Sharma, S/o. Naresh Sharma, Aged About 26 Years, R/o. Mahavir Nagar, Mangla Naka Chowk, Bilaspur, Police Station- Civil Lines, Tahsil & District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Chakarbhata, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mrs. Fouzia Mirza, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25.10.2016

1. This is the second 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.163/2016 registered at Police Station- Chakarbhata, District Bilaspur (C.G.) for the offence punishable under Section 279, 337, 338, 304A, 304 Part-II of Indian Penal Code. The earlier bail application is dismissed on 19.09.2016 in MCRC No.5562 of 2016.
2. As per the prosecution case, a report was made by one Dr. Raman Kataria that while Pankaj Tiwari alongwith Dr. Sagar Kabra and Dr. Neha Kale were going to Ganiari from Bilaspur on motorcycle, at that time, the applicant who was driving the Indigo Car in rash and negligent manner came on opposite wrong direction and dashed the motorcycle by going into foot path and subsequently the Car struck against a tree and the applicant fled away. In the said accident, Dr. Sagar Kabra and Dr. Neha Kale have sustained serious injuries and they were admitted in the Hospital. During the

course of treatment, Dr. Sagar Kabra died in Apollo Hospital and the other injured Dr. Neha Kale is still undergoing treatment.

3. Learned counsel for the applicant would submit that it is a pure case of accident, however, the entire tenure has been given to that of 304 Part-II. It is further submitted that the case is not made out with the circumstances, the charge sheet has been filed and no further investigation is necessary, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. It appears that all the investigation is complete and no further investigation is necessary. Considering the facts and circumstances of the case and the way the alleged offence is said to have happened and the fact that the charge sheet has been filed and the applicant is in jail since 08.08.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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.

Sd/-
(Goutam Bhaduri)
Judge