

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7340 of 2016

Ashwani Rajak, S/o. Late Shri Radheshyam, Aged About 45 Years, By Caste Dhobhi, R/o. Village Post Sambhalpur, Police Station & Tahsil Bhanupratappur, District Uttar Bastar Kanker, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Tadoki, District Uttar Bastar Kanker, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vivek Tripathi, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23.11.2016

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 in connection with Crime No.01/2016 registered at Police Station- Tadoki, District Uttar Bastar Kanker (C.G.) for the offence punishable under Section 304, 279, 337, 338 of Indian Penal Code and Section 21 (16)/177, 21(10)/177, 66/192 of the Motor Vehicle Act.
2. As per the prosecution case, on 15.04.2016 the applicant who was engaged in a marriage had driven the vehicle in a drunken condition which met with an accident and dashed against a tree, as the applicant could not drive the vehicle fairly being drunk, which resulted into death of 12 persons; thereby the offence is committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the case would fall under Section 304A 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 documents. Perusal of the documents would show that the applicant who was immediately examined was drunk at the time when the accident happened. Considering the facts and circumstances of the case and taking into gravity of allegation and the evidence collected, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge