

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7676 of 2016

1. Arun Mahana, S/o. Shri Rameshwar Mahana, aged about 42 years, Occupation- Business, R/o. Pussour, P.S. & Tahsil – Pussour, District -Raigarh (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Pussour, District – Raigarh (C.G.)

---- Respondent

For Applicant	: Mr. Abhisek Saraf, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/12/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.174/2016, registered at Police Station – Pussour, District – Raigarh (C.G.) for the offence punishable under Section 279, 304 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 18.09.2016, a bus bearing No.C.G.-13/R-0674 was carrying the students of Little Angel School and while the bus was moving one of the student, Tapeswar Gupta fell down from the bus and died on spot. The bus was being driven by Kanhaiya Lal Satnami and the present applicant is the owner of the bus. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and charge-sheet in this case

has been filed and the applicant is in jail since 08.11.2016 and no further investigation is required. Therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the facts and circumstances of the case, the nature of offence and the evidence available against the applicant and further taking into the fact that the applicant is in jail since 08.11.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge