

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7781 of 2016

1. P. Raju, aged about 32 years, S/o. P.K. Rao, R/o. House No.130, Camp – 1, Subhash Chowk, Bhilai Chhawani, Tahsil and District – Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police Station – Mandir Hasaud, District – Raipur (C.G.)

---- Respondent

For Applicant : Mr. C.K. Kesharwani, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/12/2016

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.252/2016, registered at Police Station – Mandir Hasaud, District – Raipur (C.G.) for the offence punishable under Section 304 of I.P.C. and Section 185 of M.V. Act.
2. Case of the prosecution, in brief, is that on 22.09.2016 at about 5.15, the applicant, who was driving the Wagon-R car bearing No.C.G.-07-AW-1201 in drunken condition and talking in the mobile go over four children and thereby four children died and at the time of accident, the applicant after dashing one of the children dragged it to a considerable distance. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the case would fall under Section 304(A) of Indian Penal Code as it is simple case of accident and neither the applicant had knew the deceased nor deliberately the same was done. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 23.09.2016. Therefore, counsel prays that the applicant may be enlarged on bail.
4. Per contra, learned counsel for the State opposes the bail application.
5. I have heard the learned counsel for the parties.
6. Perused the case diary, documents and the statement of eye-witness Dharmendra Sahu, wherein he has stated that after the car dragged, the applicant came out and he is in drunken condition. The MLC, which is carried out at about 7.55 PM after more than two hours on the same day shows that the applicant was drunk. Considering the nature of allegation made and the way the offence has been committed as the applicant was in drunken condition had driven the car and thereby four children had died, taking into such fact I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge