

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 5713 OF 2017

Saddam Husain, S/o Murtaza, aged about 27 years, R/o Dahezwar, Thana & District Balrampur (C.G.)

... Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Ratanpur, District Bilaspur (C.G.)

... Respondent

For Applicant	:	Mr. S.R.J. Jaiswal, Advocate.
For Respondent-State	:	Mr. Gary Mukhopadhyay, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24/11/2017

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicant who is in jail since 7.6.2017 in connection with Crime No.140/2017 registered at Police Station- Ratanpur, District Bilaspur, for the offence under Section 304 Part-II of IPC.
2. As per the prosecution, allegation against the Applicant is that on 21.5.2017 he is said to have driven a Truck (CG04-HY-2174) in a rash and negligent manner resulting in a dash to a Pickup Van (CG10-C-9813) coming from the opposite direction, as a result of which many persons sustained injuries and six of them succumbed to the injuries sustained.
3. Learned Counsel for the Applicant submits that the Applicant has already remained in custody for a period of about six months and that the Applicant had no intention of causing any accident and that there was a negligence on the part of the driver of the Pickup Van coming from the opposite direction also which had contributed in the accident and thus prayed that the Applicant may be released on bail.
4. Learned Counsel for the State however opposing the bail application submits that from the accident around six people had died and many of the

persons had sustained injuries and if the Applicant would had been a bit more cautious in driving the Truck, the accident could have been avoided and thus prayed for the rejection of the bail application.

5. Having heard the contentions put forth on either side, taking into consideration the period of custody already undergone by the Applicant and also considering the manner in which the accident occurred, this Court is of the opinion that prima facie a strong case is made out for grant of bail to the Applicant.

6. Accordingly, the application for grant of bail is allowed. It is ordered that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge