

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 7197 of 2017**

Amarjit Singh Saini S/o Harisingh Saini, Aged About 55 Years R/o Shyamnagar, Behind Gurudwara, Telibandha Raipur District Raipur Chhattisgarh

----Applicant**Versus**

State Of Chhattisgarh, Through Station House Officer, Police Station Arjuni, District Dhamtari Chhattisgarh

----Non-applicant

For Applicant	:	Mr. A.S. Rajput, Advocate
For State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****13/12/2017**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 110/2017 registered at Police Station Arjuni, District Dhamtari, Chhattisgarh for the offence punishable under Sections 279, 338, 304 of Indian Penal Code.
2. The present applicant is in jail since 13.10.2017 in connection with the aforesaid Crime number.
3. The allegation against the present applicant as per the prosecution case is that the present applicant while driving the Bus bearing registration No. CG-19-F-0226 met with an accident when he dashed a motorcycle and the pillion rider on the said motorcycle Sumitra Bai succumbed to the injuries.
4. The counsel for the applicant submits that the incident was an unintentional accident that occurred and that there was no intention

or any predetermination on the part of the present applicant in the commission of the offence. He submits that the present applicant has already remained in jail for a period of about 2 months and the present applicant may therefore be released on bail.

5. The State counsel however opposes the bail application on the ground that it is a case where the applicant on account of his rash and negligent driving has caused the accident and therefore prayed for the rejection of the bail application.
6. Considering the facts and circumstances of the case, particularly taking note of the nature of the offence and the allegations leveled against the present applicant plus the period of custody undergone, this Court is of the opinion that prima facie a fit case has been made out for grant of bail to the applicant. Accordingly, the present application for grant of bail is allowed.
7. It is directed that the 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 Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge