

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 300 of 2018**

Maniram (Manilal) Yadav S/o Shri Vansh Gopal, aged about 49 years, R/o Village Shargarh, Tahsil Vyohari, Police Station Bansagar, District Sahdol (M.P.).

---- Applicant**Versus**

State Of Chhattisgarh Through Out Post Belgahna, P.S.Kota, District Bilaspur (C.G.).

----Non-applicant

For Applicant	:	Shri Shashi Bhusan Tiwari, Advocate.
For State	:	Ms.Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****12/03/2018**

1. The present is an application under Section 439 of Cr.P.C. for grant of bail to the applicant. The applicant is in jail since 02.12.2017, in connection with Crime No. 389/2017, registered at Police Station Out Post Belgahna, P.S. Kota (C.G.) for the offence punishable under Sections 279, 337 & 304 (II) of Indian Penal Code.
2. The allegation against the present applicant as per the prosecution case is that, the present applicant on 26/11/2017 was driving a Bus bearing registration No. CG-10-G-1254 in a rash and negligent manner while coming from Allahabad to Bilaspur on account of which the Bus turned turtle and an accident occurred in which 6 persons had died and 34 persons got injured. It is alleged that the present applicant was drunk at the time of driving the said Bus.
3. The counsel for the applicant submits that, the chargesheet in the instant case has already been filed and there is no material available in the chargesheet to show that, the applicant was drunk. He further submits that, even the offence of drunken driving is not levelled

against the present applicant and thus prayed for releasing the applicant on bail.

4. The State counsel however opposing the bail application submits that, it is a case where on account of the negligent on part of the present applicant, 6 persons have lost there life and 34 persons received injuries and considering the gravity of the offence, the present applicant did not deserve bail at this juncture and prayed for rejection of the same.
5. Having heard the contentions put forth on either side and on perusal of record, taking into account the period of custody already undergone by the present applicant so also taking note of the fact that there is no material available in the case diary or in the chargesheet, nor is any such charge levelled against the present applicant of drunken driving, this Court is of the opinion that prima-facie a strong case for grant of bail has been made out.
6. Accordingly, the application for grant of bail is allowed. 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

Sumit