

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7019 of 2017**

Hukumraj Dewangan, S/o. Late Shri Mohanlal Dewangan, Aged About 27 Years, R/o. Madhu Chowk Adarsh Nagar, Kushalpur, Thana - Purani Basti, Raipur, Civil and Revenue District -Raipur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station - Purani Basti, Raipur, District -Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sumit Shrivastava, Advocate
For Respondent/State	: Mr. Ashok Kumar Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**29/01/2018**

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.262/2017, registered at Police Station – Purani Basti, Raipur, District – Raipur (C.G.) for the offence punishable under Section 304 of the Indian Penal Code and Section 185, 146/196 of Motor Vehicle Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. On the basis of the facts, only the case under Section 304-A of I.P.C. is made out. Only

consumption of liquor does not mean that the applicant was in intoxicated conditions and only for this reason, a case under Section 304 I.P.C. has been added baselessly, therefore, it is prayed that applicant be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the applicant had consumed liquor at the time of incident, he should have avoided driving the vehicle to avoid the incident that has taken place. There is sufficient material against him for his prosecution under Section 304 of I.P.C.. Therefore, it is prayed that the applicant may not be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case of the prosecution in brief is that, on the date of incident while driving the car bearing registration No.C.G.04-DD-7578, the applicant dashed the vehicle against the deceased – Rakesh Sharma, who was severely injured and consequently died. On examining the applicant, he was found to have consumed liquor, but there is no report of the doctor that the applicant was in intoxicated condition.
6. Considered the submission made and the contents of the case diary. Taking into consideration the facts and circumstances of the case and further taking into consideration the fact that charge-sheet in this case has been filed and the applicant is in jail since 11.09.2017, 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram