

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.2322 of 2018**

Arun Kumar Rajak, son of Shri Dhannu Ram Rajak, aged about 32 years,
resident of Nawagarh, Police Station Nawagarh, Tehsil Nawagarh, District
Bemetara (CG)

---Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station
Arjuni, District Bemetara (CG)

---Non-Applicant

For Applicant	:	Mr.A.S.Rajput, Advocate
For Non-applicant	:	Mr.Gary Mukhopadhyay, Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

30/04/2018

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.95/2018, registered at Police Station-Arjuni, District-Dhamtari (CG), for the offence punishable under Section 304 of the IPC.

2. Case of the prosecution, in brief, is that the applicant has caused death of the deceased by rash and negligent driving and thereby committed the offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that the applicant has caused death of the deceased which amounts to culpable homicide

not amounting to murder and at the most, offence under Section 304A of the IPC would be made out against the applicant, which is bailable one. He is in jail since 16.3.2018.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence and pre-trial detention of the applicant, 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 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 trial Court, for his appearance as and when directed.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-