NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2337 of 2018

1. Gopal Sharma S/o Late Hariprasad Sharma, Aged About 50 Years, R/o- Ward No.10, Ambagarh Chowki, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh
2. Gyarshu Sharma S/o Late Hariprasad Sharma, Aged About 38 Years, R/o- Ward No.10, Ambagarh Chowki, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through- S.H.O, P.S.- Ambagarh Chowki, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicants – Shri H.S. Ahluwalia, Advocate.
For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-04-2018

1. Heard the matter out of turn on the application filed on the ground that marriage of brother of the applicants is to be performed on 9th of April, 2018.

2. This is first bail application under Section 439 of the Cr.P.C. before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 13-03-2018 in connection with Crime No.82/2018 registered at P.S. Ambagarh Chowki, District- Rajnandgaon, Chhattisgarh for the offence under Section 279, 337, 304 & 34 of the IPC.

3. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 13-03-2018. No case is made out against them according to the FIR lodged against them. The applicants are ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicants may be released on bail.

4. Learned counsel for the State/non-applicant opposes the application submitting that on earlier occasion Crime No.13/2018 was registered against

both of these applicants, in which young school going students had got injured as the vehicle used turned turtle. Hence, no case is made out for grant of bail.

5. Heard learned counsel for the parties and perused the case diary.

6. Applicant No.1 is director of Aryan Gurukul School Ambagarh Chowki, applicant No.2 is owner of Tata Magic bearing registration No. G.G. 09T/0230 in which the school going young students were being transported on the date of incident. Because of rashness and negligence of driver Gulab Umare and also due to the mechanical breakdown of the vehicle, the vehicle turned turtle and because of the same, some of the students got injured and one child died in the accident.

7. Considered on the material present in the case diary. The driver of the vehicle has been separately made accused and he has also been detained. Applicant No.1 is arrayed as accused for the reason that he is director of the concerned school and applicant No.2 is arrayed as accused since he is owner of the said vehicle. Hence, I am of this view that this is a fit case where these applicants should be released on bail.

8. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy today.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Aadil