

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2455 of 2018**

Chetan Sahu, S/o. Shri Maniram Sahu, Aged About 25 Years, R/o- Village-Tendubhatha, Thana- Magarload, Civil And Revenue District- Dhamtari, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station-Magarload, District- Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sunil Sahu, Advocate
For State/respondent	: Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**10/05/2018**

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.63/2018, registered at Police Station – Magarload, District – Dhamtari (C.G.), for the offence punishable under Section 304 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this. Applicant is in jail since 17.03.2018. Charge-sheet in this case has been filed after completion of investigation. No case is made out against the applicant on the basis of the material present in the case diary. In fact the only allegation can be attributed against the applicant is under Section 304 (A) of Indian Penal Code along with some other provisions under Motor Vehicle Act. Hence it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, on the date of incident, this applicant, who happens to be a driver of bus bearing No.C.G.-04-E-1328, was driving the bus in rash and negligent manner, hence, due to the inadvertent act, the deceased Pukesh Kumar Sahu dashed against the bus and died due to the injuries. Hence this case.
6. Considered on the submissions made, the contents of the case diary and all the material present in the case diary. It appears that the grounds raised by the applicant in this application are useful grounds for his defence, hence for this reason, 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