

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2970 of 2018

- Gulab Umare S/o Bhivaram Umare, Aged About 25 Years, R/o- Village- Khadkhadi, Thana- Chilhati, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Thana- Ambagarh Chauki, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant – Shri Samir Singh, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-06-2018

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

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 13-03-2018. No case is made out against him. It is purely a case of rash and negligent driving and there is no ingredient of offence under Section 304 of the IPC. Co-accused persons have been granted bail, hence, it is prayed that present applicant may also be granted bail.

3. Learned counsel for the State/non-applicant opposing the application submits that because of inadvertent act of driving of this applicant one school going child has died and 11 others have injured. Hence, he is not entitled for grant of bail.

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

5. On the date of incident this applicant was driving vehicle bearing No. CG 09T/ 0230 knowing that the vehicle needed repairs and as he could not control the vehicle, the same turned turtle, because of which, one child succumbed to injuries and 11 others were injured.
6. Considered on the material present in the case diary and considering the case in totality, I am of this view that this applicant should be granted regular bail during pendency of the trial against him.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby 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 as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge