

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3887 of 2018

Ram Prasad Yadav S/o Harvansh Prasad Yadav, Aged About 40 Years Occupation- Driver, R/o Village- Madan, P. S. Paki, District- Palamu Jharkhand, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through P. S. Kharsiya, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Sanjay Agrawal, Advocate
For State	:	Mr. Sameer Behar, G.A.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

27/06/2018

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 18.03.2018 in connection with Crime No. 159/2018 registered at Police Station- Kharsiya, District- Raigarh (C.G.), for the offence punishable under Sections 279, 337, 304 & 338 of IPC.
2. Case of the prosecution is that the applicant in drunken position was driving truck rashly and negligently, as a result, an accident took place in which one person died, therefore, offence of culpable homicide not amounting to murder has been registered against the applicant.
3. Learned counsel for the applicant submits that it is a case of negligent driving which falls under section 304-A of IPC and the same is bailable offence.
4. On the other hand, learned State counsel opposes the bail application and submits that the appellant was in drunken condition and he was driving the vehicle rashly and negligently therefore, it falls within the purview of culpable homicide.

5. Looking to totality of the fact and period of detention, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs. 50,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(Ram Prasanna Sharma)
Judge

Arun