

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5993 of 2018

Ashwani Rajak S/o Late Shri Radheshyam Aged About 47 Years
Caste- Dhobhi, R/o- Village And Post Samhalpur, Police Station
And Tahsil- Bhanupratappur, District- Uttar Bastar, Kanker,
Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh Through- The Station House Officer,
Police Station- Tadoki, District- Uttar Bastar, Kanker, Chhattisgarh.

---- Respondent

For applicant - Shri D. Kushwaha, Advocate.
For Respondent/State –Shri Dilman Rati Minj, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

21/08/2018

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 23/11/2016 vide M.Cr.C. No.7340 of 2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.01/2016 registered in Police Station Tadoki Distt. Uttar Bastar, Kanker for offence punishable under sections 304, 279, 337, 338 of IPC and Section 21(16)/177, 21(10)/177, 66/192 of the Motor Vehicle Act.
3. As per the prosecution case, on 15/04/2016 the applicant who was engaged in a marriage had driven the vehicle in a drunken condition which met with an accident and dashed against a tree, as the applicant could not drive the vehicle fairly being drunk, which resulted into death of 12 persons, thereby the offence is committed.
4. Learned counsel for the applicant submits that the applicant is in jail since 19/04/2016 and the trial is not yet concluded, therefore the applicant

may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perusal of the order shows that till date trial is not concluded. In view of this, without going into merits of this case, taking into delay in trial as against gravity of the allegation, applicant is in jail since 19/04/2016, this court is inclined to release the applicant on bail.

7. Accordingly, the second bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE