

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 7550 of 2018**

Jitendra Singh S/o Shri Mahavir Singh, Aged About 32 Years, R/o
Village- Nagalamohan, Police Station- Sadabad, District- Hathras,
Uttar Pradesh

---- Applicant**Versus**

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

---- Respondent

For Applicant	:	Shri R. S. Patel, Advocate
For Respondent/State	:	Shri Ratan Pusty, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****31/10/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 13.09.2018 in connection with Crime No. 384/2018 registered at Police Station – Kurud, District Dhamtari (CG) for the offence punishable under Section 304-(2) of IPC.

2. The case of the prosecution against the present applicant is that he in a rash and negligent manner while driving the the truck caused an accident thereby killing 3 persons who were travelling on a motorcycle.

3. Counsel for the applicant submits that the applicant has already remained in custody for a period of about 1 ½ months and that the accident was never an intentional and it was only by mistake that such an accident occurred, therefore, the applicant may be released on bail.

4. State counsel, however, opposing the bail application submits that

since it is a case where 3 persons lost their life on account of rash and negligent driving of the applicant, therefore, he does not deserve to be released on bail.

5. Given the facts and circumstances of the case, particularly taking into consideration the nature of offence and the period of custody undergone, this Court is of the opinion that prima facie a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will 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 before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
Judge**