

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7517 of 2017**

Umesh Kumar Dawde S/o Chaitram Dawde, Aged About 30 Years
 Address Gouri Nagar, Police Station Vijay Nagar, Indore M.P.
 Permanenet R/o Transport Nagar, Parking No. 4, Khamtarai Police
 Station Khamtarai District Raipur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
 Kumhari, District Durg Chhattisgarh.

---- Respondent

For the Applicant : Shri Arvind Dubey, Advocate.
 For the Respondent/State : Shri Wasim Miyan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.01.2018**

Heard.

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.298 of 2016, registered at Police Station – Kumhari, District – Durg, Chhattisgarh for the offence punishable under Section 304 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 21.02.2017 and has been falsely implicated in this case. The only case made out against the applicant on the basis of the material and the investigation is under Section 304-A of the IPC, which is a bailable offence. The deceased on motorcycle himself dashed the vehicle driven by the

applicant. After completion of investigation, the charge-sheet has been filed. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant had inadvertently and with full of knowledge dashed the motorcycle rider, because of which the death of the deceased was caused and the offence under Section 304 of the IPC is clearly made out. Hence, for these reasons, the applicant is not entitled for grant of bail.

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

5. The allegation against the applicant is that on the date of incident the applicant while driving the Truck bearing registration No. C.G. 04-J-3892 he deliberately changed the lane and dashed against the motorcycle rider coming from opposite direction. After suffering injuries, the deceased/ motorcycle rider died on the spot.

6. Considering on the submissions and the contents of the case-diary, and taking into consideration the facts and circumstances of the case, I am of the view that the applicant should be benefited with grant of 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge