

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1073 of 2019**

Krishna Chandro Pal, S/o Dheerendranath Pal, aged about 36 years, R/o H.NO.377, Sezbahar Police Station Mujgahan, District Raipur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Kotwali, District Raipur (CG).

---- Non-applicant

For Applicant	: Ms. Reena Singh, Advocate
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer
For Objector	: None present

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****26.02.2019**

1. Perused I.A. No.1/2019 application for objection in granting bail to the applicant/accused. In the absence of objector, I.A. No.1/2019 is rejected.
2. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
3. Perused the case diary provided by the counsel for the State in connection with Crime No.414/2018 registered in Police Station City Kotwali, District Raipur for the offence punishable under Sections 279, 337, 304(2) of IPC and Section 185 of M.V. Act.
4. Case of the prosecution, in brief, is that on 28.12.2018 at about 20:35 hrs., the complainants Mohsin Khan and his wife Rahil Khan along with their son deceased Zibran, aged about 04 years old were going from Pachpedi Naka towards Rajendra Nagar by Activa, at that time, the applicant drove his vehicle I-10 car bearing registration No.C.G.04H.D.7386 rashly and negligently after consuming liquor and knowing that is a crowded area and hit the Activa from backside, the complainant Mohsin Khan and his wife and deceased Zibran fell down. The applicant did not stop the vehicle and again hit deceased Zibran Khan as a result he died on spot.
5. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case. She further submitted that in the case in hand Section 304 of IPC does not attract hence the applicant may be released on bail.
6. On the other hand, counsel for the State opposed the bail application, however, he submits that no criminal antecedent is reported against the applicant in police case diary.
7. Looking to the facts and circumstances of the case, looking to the seriousness of the offence and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the bail application is rejected.
8. Certified copy as per rules.

SD/-
(Sharad Kumar Gupta)
JUDGE