

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1312 of 2019**

1. Mahaveer Pandey S/o Balmukund Pandey Aged About 40 Years
R/o Chakarbhata, Police Station- Chakarbhata, District Bilaspur,
Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through Station House Officer, Police
Station- Chakarbhata, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	Shri Devesh Chandra Verma, Advocate
For Respondent/State	Shri Siddharth Dubey, Dy. Govt. Adv.

Order On Board**By****Prashant Kumar Mishra, Ag. CJ****12-4-2019**

1. Heard.
2. The applicant has preferred this bail application filed under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.336/2018 registered in Police Station Chakarbhatha, District Bilaspur, for the offence punishable under Sections 304 & 308 of the Indian Penal Code.
3. The applicant has allegedly driven the pick up vehicle bearing registration No.CG-22-AC-9611 in a rash and negligent manner at about 6.30 pm on 3-12-2018 causing death of deceased Pyarelal Netam and serious injuries to 5 other persons. The prosecution has filed charge sheet under Section 304 & 308 of the Indian Penal

Code and under Section 185 of the Motor Vehicles Act, 1988 for driving the motor vehicle in a drunken state.

4. Section 185 of the Motor Vehicles Act, 1988 is attracted where the person driving the motor vehicle in a drunken state has consumed alcoholic substance which is more than 30 mg. per 100 ml. of blood. The provision prescribes jail sentence of six months and fine of Rs.2000/- for the first offender and jail sentence up to two years and fine of Rs.2000/- for the repeat offender.
5. The issue as to whether the applicant had knowledge and intention to commit culpable homicide of deceased Pyarelal Netam is to be gone into by the trial Court at the end of trial. For the present it appears to be causing death by rash and negligent driving,
6. Learned counsel appearing for the State would oppose the prayer.
7. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case; considering the fact that the applicant is in jail since 4-12-2018; the charge sheet has already been filed; and also the fact that the Station House Officer has not reported any previous criminal antecedents of the applicant, this Court is inclined to release him on bail. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
(Prashant Kumar Mishra)
Acting Chief Justice

Gowri

