

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7725 of 2019**

- Krishna Chandro Pal S/o Dheerendranath Pal Aged About 37 Years R/o LIG House No. - 377, Sejbahar, Police Station Moojgahan Tahsil And District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant : Shri Vivek Sharma, Advocate.

For Non-applicant : Shri Suyash Dhar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****19.12.2019**

1. This is third bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant was rejected by this Court vide order dated 26.02.2019 passed in MCRC No. 1073 of 2019 considering the prima facie case against the applicant and the second bail application of the applicant has been dismissed as withdrawn by this Court on 06.09.2019 in MCRC No. 5299 of 2019 and the trial Court was directed to expedite the trial and submit date wise progress report after two months.
3. The trial Court has submitted the progress report for perusal of this Court.
4. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 414/2018 registered at Police Station

– City Kotwali, District - Raipur (C.G.) for the offence punishable under Sections 279, 337, 304(2) of the IPC

5. 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 Aactiva 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 Aactiva 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.

6. Learned counsel for the applicant argued that the trial is delayed, thus he may be released on bail.

7. On the other hand, learned counsel for the State opposes the bail application, however, he submits that no criminal antecedent is reported against the applicant in police case diary.

8. The detention period of the accused and delay in trial are material factors for disposal of the bail application of the accused, but, equally it is also true that seriousness of the offence and impact of granting bail to the accused on society are more important and relevant factors for disposal of the bail application of the accused.

9. As per the progress report filed by the trial Court 9 witnesses have been examined.

10. Looking to the above mentioned facts and circumstances of the case, this Court finds that it is not a fit case where the applicant may be released on bail in third round of litigation.

11. Consequently, the third bail application of the applicant is rejected.

However, the trial Court is directed to take all the necessary steps to ensure the attendance of the witnesses. The trial Court may take assistance of the relevant provisions of the Cr.P.C. and the Police Act.

12. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE