

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1773 of 2020**

- Sangam Chandrakar @ Bittu S/o Shri Jitendra Chandrakar, aged about 30 years, R/o W.N. 4, Behind Idgahbhata, Mahasamund, District Mahasamund (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Police Station Khamtarai, District Raipur (C.G.)

---- Respondent

For Applicant	:	Shri Manoj Paranjape, Advocate
For Respondent	:	Shri Dinesh Tiwari, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****05/06/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.69/2020, registered at Police Station – Khamtarai, District Raipur (C.G.) for the offence punishable under Sections 279, 337 and 304 IPC.
2. The prosecution story, in brief, is that on 15.02.2020 at about 10.00 pm, when the applicant was driving his car namely Indica Vista bearing No. C.G.-07-MA-7521, dashed the two wheeler bearing No. CG-04-MQ-7464, as a result of which one of the rider namely Ruby Sharma died. It has been alleged that the applicant and his accompanied friend were under intoxication and before dashing the two wheeler they dashed the divider. Based on this, offence has been registered. The

present applicant has been taken into custody on 17.02.2020.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that during the pendency of bail application charge sheet has been filed under Section 304 IPC. He also submits that even if the entire prosecution case is taken on its face value, the offence under Section 304-A IPC is made out and not 304 IPC. It is next submitted that the applicant is in custody since 17.02.2020, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, nature of offence and further considering the fact that the applicant is in custody since 17.02.2020, charge sheet has been filed, the case is triable by Magistrate and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as

and when directed, till the final disposal of the trial.

9. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks from today.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge