

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.495 of 2020**

- Neeraj Agrawal S/o Shri Madan Mohan Agrawal Aged About 45 Years R/o- Agrasen Chowk, Police Station- Sarswati Nagar, Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through- Police Station Civil Lines, Raipur, District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

Shri Harshwardhan Parganiha, counsel for applicant.
Shri Alok Bakshi, Additional AG for State.

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****03/07/2020**

1. Heard.
2. The applicant has preferred this application under Section 438 of Cr.P.C., apprehending his arrest in connection with Crime No.111/2020, registered at Police Station–Civil Lines, Raipur, District Raipur for alleged commission of offence under Sections 304 of IPC.
3. Case of the prosecution is that the applicant rashly dashed against the deceased, because all this act of applicant in driving the vehicle in uncontrolled manner, death took place, therefore, the applicant is guilty of commission of offence of culpable homicidal not amounting to murder.
4. Learned counsel for the applicant submits that if entire case of the prosecution taken together, does not travel beyond the scope of Section 304-A of IPC, because, the act of the applicant is said to be causing death by driving the vehicle in a rash and negligent manner, would fall outside the purview of commission of offence of culpable homicidal not amounting to murder.

5. On the other hand, learned State counsel opposed the prayer for grant of bail by submitting that the manner, in which, the accident took place, offence of culpable homicide is made out against the applicant.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that even according to FIR, it is a case of rash accident and there is no other background in the incident, prima facie, the applicant's submission that at the most, it could be a case of commission of offence under Section 304-A of IPC, not Section 304 of IPC, I am inclined to grant anticipatory bail to the applicant subject to the following conditions:-

(A) The applicant shall be released on anticipatory bail on furnishing a personal bond for a sum of Rs.20,000/ with one surety in the like sum to the satisfaction of the arresting officer.

(B) He shall make himself available for interrogation by a police officer as and when required

(C) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer, *and*

(D) He shall cooperate with the investigation as and when he is called.

SD/-
(Manindra Mohan Shrivastava)
Judge