

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.4040 of 2020

Pranjal Kodopi S/o Late Manohar Kodopi Aged About 24 Years R/o Vill.
Amoda Narhaarpur Tah. And Thana Narharpur District Kanker State
Chhattisgarh **---- Applicant**

Versus

State Of Chhattisgarh Through Aarakshi Kendra Parpa District Bastar
Chhattisgarh **---- Respondent**

For Applicant	:	Shri Shivendu Pandya, Advocate
For Respondent/State	:	Shri Ravish Verma, G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

25/08/2020

Heard.

1. The applicant has been arrested in connection with Crime No. 58 of 2020 registered at Police Station- Aarakshi Kendra Parpa, District Bastar (CG) for the alleged commission of offence under Section 304 of IPC.
2. Prosecution case is that about 11:30 p.m. in the night, the applicant while driving a truck dashed a standing bus and in this accident, three passengers died.
3. Learned counsel for the applicant would argue that in the circumstances of the case where the bus was standing on the road at about 11:30 p.m. in the night, dashing of the bus by a truck driven by the applicant, is nothing but a case of automobile accident and even if it is said to be a case of dash or negligent act, it does not have any element of commission of offence of culpable homicide. He would submit that there is nothing in the prosecution case that the act was done with the knowledge that it was likely to cause death. He would submit that it is simply road accident and therefore, the culpability of the applicant does not travel beyond offence under Section 304-A of IPC for which maximum punishment is two years. He would further submit that the investigation is complete, charge-sheet has been filed and the applicant is in jail since 09.03.2020, therefore, at this stage, he may be granted

bail.

4. On the other hand, learned counsel for the State opposes the bail application and submits that present is not a case of simple rash and negligent act resulting in accidental death but it is a case where the applicant was driving heavy vehicle like a truck and therefore, act of dashing against a standing bus where number of passengers were off the board on road only attributes knowledge that rash and negligent act is likely to cause death.
5. Having considered the submission of learned counsel for the parties, particularly taking into consideration that present is a case of death arising out of automobile accident and that the applicant is alleged to have dashed by a truck against the standing bus on road in the night at about 11:30 p.m., there is considerable force in the submission of learned counsel for the applicant that it is a case punishable under Section 304-A of IPC and not Section 304 IPC. In view of the aforesaid consideration, present is a fit case for grant of bail as investigation is complete, charge-sheet has been filed and the applicant is in jail since 09.03.2020, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge