

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7614 of 2020

Manoj Kumar S/o Ramchandra Patel Aged About 22 Years By Caste Kunbi, R/o Village Ramaikar Post Harisenganj P.S. Soranw District Allahabad U.P., District : Allahabad, Uttar Pradesh

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O. Police Station Chandora District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Dev Ashish Biswas, Advocate
For State	:	Shri Neeraj Pradhan, Panel Lawyer

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

Order On Board

22/01/2021

Heard.

1. The applicant is arrested in connection with Crime No.75/2020 registered in Police Station- Chandora, District- Surajpur (CG) for alleged commission of offence under Section 304 IPC,
2. Case of the prosecution, in brief, is that the applicant was driving a truck in the state of intoxication and he dashed the plying motorcycle from behind near the village, resulting in death of the motorcycle rider.
3. Learned counsel for the applicant would submit that the prosecution case, at the most, may result in commission of offence under Section 304-A IPC and not under Section 304 IPC. He would submit that this is only an accident and cannot be said to be a case under Section 304 IPC. Learned counsel submit that as the investigation is complete, charge sheet has been filed and the applicant is in jail since 22.9.2020, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that the act of the applicant in driving the heavy vehicle like truck and that too in intoxication condition with a high speed so much so that it hit the motorcycle from behind killing the rider, prima facie, makes out a case.
5. Taking into consideration the submissions made by learned counsel for the parties, taking into consideration the circumstances of the case and the material available, present is not a fit case for grant of bail.
6. The application is accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen