

IN THE HIGH COURT OF MADHYA PRADESH

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 28th OF JUNE, 2022

MISC. CRIMINAL CASE No. 30863 of 2022

Between:-

**SANJAY CHAUHAN S/O SHRI JAIMAL CHAUHAN , AGED ABOUT
27 YEARS, OCCUPATION: DRIVER GAVHA DEVLA GRAM
KALAKHET JULVANIYA (MADHYA PRADESH)**

.....PETITIONER

**(*MANOJ KUMAR GHODE, LEARNED COUNSEL FOR THE
PETITIONER*)**

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER
THROUGH POLICE STATION NANGALWADI (MADHYA
PRADESH)**

.....RESPONDENTS

**(*PROXY COUNSEL AG-SHRI RAHUL SOLANKI APPEARING ON
BEHALF OF ADVOCATE GENERAL*)**

*This application coming on this day for orders the court
passed the following:*

ORDER

Applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973. He is in Jail since

25.4.2022 in connection with Crime No. 71/2022 registered at P.S. - Nagalwadi District Barwani (M.P.) for commission of offence punishable under Section 304 of IPC.

As per the prosecution story, on 9.4.2022 at about 12 a.m. the complainant lodged a report to the effect that when he alongwith 32 passengers were travelling in the Pickup vehicle bearing registration No. MP 69-G/01214 driven by the present applicant, he intentionally and knowingly driven overloaded vehicle on the dangerous valley due to which the vehicle fell into the ditch and two persons died on the spot and other 12 persons got serious injuries. Accordingly a case has been registered against the applicant.

Learned counsel for the applicant submits that applicant is innocent and he has been falsely implicated in this matter. Applicant is in jail since 25.4.2022, investigation is over and charge sheet has been filed but nothing has been recovered from possession of applicant. Offence under section 304 of IPC is not made out against the applicant. He is permanent resident of District Barwani. Final conclusion of trial will take considerable long time. Hence, he prays that applicant be released on bail.

Per-contra, learned PL for respondent/State opposes the bail application and prays for its rejection.

Perused the case diary as well as the impugned order of the court below.

Considering all the facts and circumstances of the case, nature and gravity of allegation as also taking note of the fact that present applicant was driver of the vehicle in question, investigation is over and charge sheet has been filed, the applicant is in custody since 25.4.2022, relatives of the deceased persons pleaded no objection regarding grant of bail to the applicant before the trial court, final conclusion of trial will take considerable long time, I deem it proper to release the applicant on bail.

Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that the applicant be released on bail upon his furnishing a personal bond in the sum of **Rs.75,000/- (Rs. Seventy Five Thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court for his appearance before the trial Court, as and when required. He shall abide by the conditions enumerated u/S. 437(3) Cr.P.C.

C.C. as per rules.

(ANIL VERMA)
J U D G E