

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6281 of 2015

Mohan Ram, son of Lodoram, aged about 48 years, resident of village Harri, Pakritoli, P.S. Kusmi, District Balrampur (C.G)

Vs.

State of Chhattisgarh, through the Police Station Kusmi, District Balrampur (C.G)

For the applicant	:	Mr. Sunil Tripathi, Advocate
For the Respondent	:	Mr. Vinod Tekam, Panel Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23 .11.2015

1. This is an application filed under section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant in connection with Crime No.35/2015 registered at Police station Kusmi, District Balrampur (C.G) for the offences punishable under sections 307 IPC and section 25(1-A, B and 27(2) of the Arms Act.
2. As per the prosecution case, on 01.05.2015, complainant Tetara alongwith accused applicant Mohan went to Piperdant forest to hunt the wild hen and also collect to fire wood, When the complainant was near bushes, one gun shot was fired by the applicant while hunting the birds, which went into the abdomen of the complainant. Therefore the complainant was injured and the case was registered.
3. Learned counsel for the applicants submits that looking to the way in which incident took place, it cannot be said that the applicant has intention to kill the complainant. He further submits that the incident happened while both the applicant and complainant were about to hunt the wild hen and therefore, it was accidentally happened and the offence is not made out against the applicant. He further submits that the applicant is in jail since 03.05.2015 and looking to the detention period, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. I have gone through the case diary and the documents collected by the prosecution.
6. Having regard to the nature of allegations and the way in which the incident occurred and considering the case diary statements and the fact that the applicant is in jail since 03.05.2015, I am inclined to allow this bail application.
7. Accordingly the application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He shall appear before the said Court on each and every date to be give by the said Court.
8. Cc as per rules.

Sd/-
GOUTAM BHADURI
JUDGE