

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5326 of 2019

- Devlal Kumar Pahdiya S/o Shri Thani Ram Pahdiya Aged About 37 Years R/o Mithidih, Police Station Pithoura, District Mahasamund Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Rajadevri, District Balodabazar - Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. AS Rajput, Advocate.
For Respondent/State : Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

05/09/2019

1. The applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 24/2019, registered at Police Station – Rajadevri, District- Baloda-Bazar Bhatapara (C.G.) for the offence punishable under Section 307 of the IPC.
2. First bail was dismissed for want of prosecution vide order dated 30.07.2019 passed in MCRC No. 4130/2019.
3. As per prosecution story, on 29.03.2019, complainant Ramji Chouhan and one Yogeshwar Sonwani, Forest Guards, went forest on their motorcycle, allegedly on the way, they saw one unknown person less with bow and arrow, he assaulted Yogeshwar Sonwani with the help of his bow and arrow and due to which Yogeshwar Sonwani sustained injury on his stomach. An FIR has been lodged by Ramji Chouhan on 30.03.2019. During course of investigation, the applicant has been arrested on 31.03.2019. The applicant has been identified by injured

Yogeshwar Sonwani at the time of test identification parade.

4. Learned Counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that from the evidence collected by the prosecution *prima facie* no offence under Section 307 of IPC can be made out against him, report has been lodged against unknown person and the test identification parade was conducted after 1 month of arrest, therefore, test identification parade is also suspicious. The applicant has no criminal antecedent, he is in custody since 31.03.2019. Therefore, the applicant may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the applicant has no criminal antecedent, he is in custody since 31.03.2019, charge-sheet has already been filed and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 25,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge