

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 9938 of 2018**

Premalal, S/o. Mangal Sai, Aged About 30 Years, Caste Pando, R/o. Keshgawa, Police Station and Tahsil Sonhat, District Korea Chhattisgarh.

---- Applicant***Versus***

State Of Chhattisgarh, Through : Station House Officer, Police Station Sonhat, Civil and Revenue District Korea Chhattisgarh.

---- Respondent

For Applicant	: Mr. Kaushal Yadav, Advocate
For State/respondent	: Mr. Himanshu Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****26/03/2019**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.36/2018, registered at Police Station – Sonhat, District – Korea (C.G.), for the offence punishable under Section 304 and 506 of the Indian Penal Code. The first bail application was dismissed as withdrawn with liberty to revive the same after 9 months vide order dated 18.06.2018 passed in M.Cr.C. No.2878/2018.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present on record. The incident had been purely accidental, as the arrow that was meant for rabbit missed and found its mark on the deceased. The applicant had no intention to cause any injury to the deceased. The applicant is in jail since about more than one year. There is likelihood that the trial will take considerable time for its conclusion. Therefore, it is prayed

that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that there is clear evidence of eye-witness and the witness of oral dying declaration, therefore, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case on the date and time of the incident, the applicant and the deceased both were member of a party engaged in hunting rabbit in the jungle. It is alleged that the applicant shot an arrow for rabbit, which missed and got it mark in the left chest of the deceased Hublal, who died later on during the course of treatment.
6. Considered the submissions made and the contents of the case diary. Considering the nature of case against the applicant and also likelihood of delay in conclusion of trial, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge