

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.3858 of 2020**

- Videsh Kumar, S/o Late Prabhuram Aged About 32 Years R/o Kachhar, Police Station - Sonhat (Wrongly Mentioned As Baikunthpur), District - Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh, Through - Police Station - Sonhat, District - Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicants	:	Shri Pushkar Sinha, Advocate
For Respondent/State	:	Shri Alok Bakshi, Additional AG

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****25/08/2020**

Heard.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.47/2020 registered at Police Station Sonhat, District Koriya for the offence punishable under Section 294, 307 & 506 of the IPC. The applicant was arrested on 18-05-2020.
2. Prosecution case is that the applicant, with an intention to cause death, assaulted Smt. Sonmati and her son Anil Kumar by arrow resulting in injuries.
3. Learned counsel for the applicant submits that it is not a case of commission of offence under Section 307 of IPC, as there was no intention to cause death. He would further submit that both Smt. Sonmati and Anil Kumar have received simple injuries and there is no grievous/fracture injury. He lastly submits that as charge sheet has been filed and the applicant is not likely to abscond or tamper with the prosecution witnesses as also looking to the fact that the trial is not likely to commence early, because of the present situation, at this stage, the applicant may be granted bail.
4. On the other hand, learned counsel for the State/non-applicant opposes

the bail application by submitting that the FIR has been lodged by Smt. Sonmati, in which, she has clearly stated that there was a dispute over the land existing between the parties and when she had gone to forest to collect forest produce, the applicant shot arrow on her as well as on her son Anil Kumar. Learned State counsel would submit that the arrow shot on Anil Kumar, injured him on his head above the ear, which shows that there was an intention to cause death.

5. Having considered the submission of learned counsel for the parties, particularly taking into consideration the circumstances of the case, nature of weapon used as also the injury caused and the fact that the investigation is complete and charge sheet has been filed, I am inclined to enlarge the applicant on bail.

6. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with one local surety of the like amount to the satisfaction of the trial Court on the condition that he shall appear before the trial Court regularly on each and every date of hearing, unless exempted.

Certified copy as per rules.

SD/-
(Manindra Mohan Shrivastava)
Judge