

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4774 OF 2015**

1. Lakhmu Ram Markam S/o Baisakhu Markam aged about 58 years
2. Babji Markam S/o Baisakhu Markam aged about 56 years
3. Jagdev Markam S/o Devji Markam aged about 28 years
4. Jagdish Markam S/o Devji Markam aged about 21 years
5. Johru Markam S/o Babji Markam aged about 25 years
6. Raghuram Markam S/o Lakhmu Ram Markam aged about 35 years

All the above applicants are R/o village Gattipalna, Dihipara, Police Station Farasgaon, Civil and Revenue District Kondagaon (C.G.)

---Applicants

Versus

State of Chhattisgarh through Station House Officer, police of Police Station Farasgaon, District Kondagaon (C.G.)

---Non-applicant

For Applicants	:	Mr. Kishore Narayan, Advocate
For Non-applicant	:	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****14/09/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.50/2015, registered at Police Station Farasgaon, District Kondagaon (C.G.), for the offence punishable under Sections 302, 328, 147, 201, 120-B of I.P.C.

2. Case of the prosecution, in brief, is that, applicants administered poisonous substance i.e. Organo Phosphorus in the liquor served to deceased Dhanpat Mandavi, by which, he suffered cardio respiratory arrest and died.

3. Learned counsel for the applicants would submit that applicants have not committed any offence and have been falsely implicated in the case. He would further submit that applicants No. 2 to 6 were residing separately from applicants No. 1 and they are not instrumental in the offence in question. He would further submit that no useful purpose would be served by keeping them in jail. He would lastly submit that charge sheet has been filed and applicants are in jail since 04/04/2015, therefore, they may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that liquor seized was sent for FSL examination, in which, presence of Organo Phosphorus has been confirmed.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; FSL report and material available on record, this Court is not inclined to release the applicants on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE