

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4878 of 2015**

Mahadev alias Priyeshwar Rathore, son of Samme Lal Rathore, aged about 48 years, resident of village Singhansara, Police Station & Tahsil Sakti, District Janjgir-Champa (Chhattisgarh)

---Applicant

Versus

State of Chhattisgarh, through: the Station House Officer, Police Station Sakti, District Janjgir-Champa (CG)

---Non-applicant

For Applicant	:	Mr. V.K.Pandey, Advocate
For Non-applicant	:	Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board**

15/09/2015

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 applicant who has been arrested in connection with Crime No.147/2015, registered at Police Station-Sakti, District-Janjgir-Champa (C.G.), for the offence punishable under Section 307/34 of the IPC.

2. Case of the prosecution, in brief, is that the applicant and his daughter are alleged to have administered the poison to complainant Savita Patel by which she was became seriously ill and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that complainant Savita Patel has lodged the report for an offence under Section 376 of the IPC against son of the applicant in which he is detained in jail. He would also submit that on the date of incident i.e. 7.6.2015 complainant Savita Patel came to the house of the applicant and asked the applicant to get her married with his son, who is in jail and threatened him to consume poison, if she is not married with his son and ultimately she consumed

poison. Referring to the statements of Kotwar Chandrabhan Mahant and Sarpanch Haricharan Rathore, learned counsel for the applicant contended that that they were called by the applicant and his daughter to see the conduct of complainant Savita Patel who forcefully entered into the house of the applicant, bolted inside the room and threatened the applicant to consume poison. The applicant is in jail since 8.6.2015 and charge-sheet has already been filed and therefore, he may be enlarged on bail.

4. On the other hand, referring the dying declaration and 161 statement of complainant Savita Patel, learned counsel for the State would oppose the bail application.

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; statements of Kotwar Chandrabhan Mahant and Sarpanch Haricharan Rathore; conduct of complainant Savita Patel, material available on record, pre-trial detention of the applicant; nature of injury and the fact that charge-sheet has already been filed, 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.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-