

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. No. 5119 OF 2015**

Gopal Besra S/o Shri Anand Besra, Aged about 30 years, R/o Samta Colony,  
P.S. Azad Chowk, Raipur, Tahsil & Distt. Raipur (C.G.)

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

State of Chhattisgarh, Through Police Station Azad Chowk Raipur, Tahsil &  
Distt. Raipur (C.G.)

**---Non-applicant**


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|-------------------|---|--------------------------------------|
| For Applicant     | : | Mr. C.R. Sahu, Advocate              |
| For Non-applicant | : | Mr. Anupam Dubey, Dy. Govt. Advocate |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****28/09/2015**

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. 130/2015, registered at Police Station Azad Chowk Raipur, Distt. Raipur (C.G.), for the offence punishable under Section 307/34 of Indian Penal Code.

2. Case of the prosecution, in brief, is that, present applicant and two other co-accused persons administered poisonous substance to the complainant/injured Kanwar Bagh by which, he suffered grievous injury which was sufficient to cause death.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that applicant has not administered any substance to the complainant. He would lastly submit that charge sheet has

been filed and applicant is in jail since 03/07/2015 therefore, he may be released on bail.

4. On the other hand, 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; role of the present applicant in offence in question; charge sheet has already been filed and applicant is in jail since 03/07/2015, this Court is of the opinion that present is the 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 furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-  
(Sanjay K. Agrawal)  
JUDGE