

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5205 of 2015**

- Nanik @ Takesh Sahu, son of Ram Aasra Sahu, aged about 27 years, resident of village Basin, P.S. Fingeshwar, Revenue District Gariyaband, Civil & Revenue District – Raipur (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through: Station House Officer, P.S. Fingeshwar, District Revenue, Gariyaband & Civil District Raipur (C.G.)

---- Non-applicant

For Applicant: Ms. Nirupama Bajpai, Advocate.
 For Respondent/State: Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****06/10/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.81/2015 registered at Police Station Fingeshwar, Revenue District - Gariyaband for the offence punishable under Section 302 of Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 23.05.2013 applicant is said to have murdered Anjani Yadav and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that there is delay in lodging the First Information Report as the incident had occurred on 23.5.2013 whereas FIR has been lodged on 7.5.2015 and the poison, which is alleged to have administered by the applicant, has not been recovered from the present applicant and, as such, the applicant has been falsely implicated in the offence in question and he is in jail since 14.05.2015 and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that it is the applicant, who has administered the poison to the deceased, by which she suffered death and, therefore, the applicant is not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case; and the manner in which the applicant is said to have administered poison to deceased Anjani Yadav on 23.05.2013; and the material collected by the prosecution, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-