

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.5676 of 2015**

Kalu Bagh @ Mandavi s/o Ajit Bagh, Aged about 30 years, R/o Samta Colony,
P.S.-Azad Chowk, Raipur, Tahsil & Distt.Raipur (CG)

---Applicant

Versus

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

---Non-applicant

For Applicant	:	Mr. C.R.Sahu, Advocate
For Non-applicant	:	Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/10/2015

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, District-Raipur (CG), for the offence punishable under Section 307/34 of the IPC.

2. Case of the prosecution, in brief, is that the 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 the applicant has not committed any offence and he has been falsely implicated in offence in question. He would further submit that the applicant has not administered any substance to the complainant. He would lastly submit that charge sheet has already been filed and applicant is in jail since 3.7.2015 and therefore, he may be enlarged 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, nature and gravity of the offence, role of the present applicant in offence in question, charge-sheet has already been filed, the applicant is in jail since 3.7.2015 and the fact that bail was granted to co-accused Gopal Besra vide order dated 28.9.2015 passed in M.Cr.C.No.5119 of 2015, 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 ₹ 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/-