

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 268 of 2016

1. Shriram Sahu, S/o. Teksingh Sahu, aged about 50 years, R/o. Kopedih, Police Station Somni, District – Rajnandgaon (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station Somni, District – Rajnandgaon (C.G.)

---- Respondent

For Applicant : Mr. Abhisek Sharma, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/01/2016

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.190/2015, registered at Police Station – Somni, District – Rajnandgaon (C.G.) for the offence punishable under Section 302, 328, 120-B, 201, 34 of Indian Penal Code (as per final report).
2. Case of the prosecution, in brief, is that the applicant alongwith other co-accused namely Pitambar has administered poison in the liquor of the deceased thereafter consuming the liquor, the deceased Bhuneshwar Sahu died.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that there is no evidence available against this applicant and only on the basis of memorandum of the co-accused, the applicant has been inculpated. He would further submit that charge-sheet in this case has been filed

and the applicant is in jail since 04.10.2015, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the case diary and the postmortem report, which shows that death was due to poison. In the memorandum statement of the co-accused, it is stated that this applicant has given him Rs.1500/- and capsules with a direction to give it to Bhuneshwar and in the evidence of Neelam Kumar Yadav and Santosh Sahu, it is stated that while the applicant alongwith the deceased alongwith co-accused consuming liquor something was administered in the glass, which is substantiated by the postmortem report that death was due to poison. Taking into the chain of circumstances of the memorandum which is also substantiated that death is by poison, this Court is not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge