

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2710 of 2016

1. Pitambar Sahu, S/o. Budhram Sahu, aged about 24 years, R/o. Village-Kopedeeh, Police Station Somni, District-Rajnandgaon (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Somni, District – Rajnandgaon (Chhattisgarh)

---- Respondent

For Applicant : Mr. Malay Kumar Bhaduri, Advocate

For Respondent/State : Mr. Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/06/2016

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.
2. Case of the prosecution, in brief, is that the applicant along with other co-accused administered poison in the liquor of the deceased, thereafter, consuming the liquor, the deceased Bhuneshwar Sahu died.
3. Learned counsel for the applicant submits the applicant has been falsely implicated in this case and there is no evidence available against the applicant and only on the basis of memorandum of the co-accused, the applicant has been inculpated. He further submits 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.
6. Along with the documents, the statement of the witnesses have been examined. Taking into the fact that trial is going on, it would not be proper to appreciate the evidence at this stage as the bail application of the co-accused has already been dismissed, as such I am not inclined to release the applicant on bail. However, the trial Court is requested to expedite the trial.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge