

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3272 of 2018**

1. Govardhan Nishad, aged about 66 years, S/o Late Jodhan Nishad, R/o Village Bhatbhera, P.S. Suhela, District Baloda Bazar, Bhatapara, C.G.

----Applicants**Versus**

The State of Chhattisgarh, through Police Station Suhela, District Baloda Bazar, Bhatapara (C.G.)

---- Non-applicant

For Applicants	:	Mr. Hemant Gupta, Advocate.
For Respondent/State	:	Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****02/07/18**

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. 178/17, registered at Police Station Suhela, District Baloda Bazar, Bhatapara (C.G.) for the offence punishable under Section 304/302, 201, 328 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that, the applicant has administered poison to his brother-in-law by which he died and thereby committed the offence under the aforesaid sections.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question and has not committed any offence. He further submits that there is delay of 1 year in lodging the FIR

and the applicant is in custody since 11.12.2017, charge-sheet has been filed, statements of the witnesses are being examined and the trial is likely to take some time for its final disposal, and no useful purpose would be served by detaining him in jail and, therefore, he may be released 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. Taking into consideration the facts & circumstances of the case; further taking into consideration the nature & gravity of the offence; role of the present applicant; manner in which the poison is said to be administered to the deceased and the material available on record, I do not consider it a fit case in which the applicant should be enlarged on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)

Judge