

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9736 of 2021

- Bhagatram Baghel @ Bhagat Baghel S/o Bhakadu Baghel
Aged About 82 Years R/o Malgujarapara, Golawand, P.S.
And District Kondagaon Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Officer In Charge Of Police
Station Kondagaon, District Kondagaon Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. R.S. Patel, Advocate
For Respondent-State	:-	Mr. Afroj Khan, PL

Hon'ble Shri Justice Deepak Kumar Tiwari
Order On Board

21/12/2021

1. The applicant has preferred this first bail application under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.323/2021 registered in Police Station Kondagaon, District Kondagaon C.G. for the offence punishable under Sections 302/201 of the I.P.C.
2. Case of the prosecution, in brief, is that on 20.11.2020, deceased Heera Singh was drinking liquor with the applicant, upon returning home the deceased started vomiting and froth came out his mouth, which consequently resulted in his death. Thereafter, the merged inquest

No.165/2020 was initiated under Section 174 of the Cr.P.C. and it was found by Viscera and FSL report that deceased had died due to consuming alcohol. During investigation, it was found that deceased had an enmity with the applicant related to some land dispute out of which the applicant had poisoned the deceased, for which the offence has been registered.

3. Learned counsel for the applicant submits that the present applicant is an innocent person and has been falsely implicated. He would further submit that FIR has been lodged almost after one year of the incident i.e. on 09.11.2021. If there was enmity between the deceased and the applicant and the deceased had consumed liquor a few hours before his death, with the applicant, then the prosecution has failed to explain as to why any FIR or complaint was not made immediately. Applicant is an 82 years old man, therefore, he may be enlarged on bail.
4. *Per contra*, learned State counsel would oppose the prayer for grant of bail.
5. Considering the facts and circumstances of the case particularly considering the fact that there is delay of almost one year in lodging the FIR; applicant is 82 years old, this Court is inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on executing a personal bond

for a sum of Rs.10,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Certified copy as per rules.

SD/-

(Deepak Kumar Tiwari)
Judge

Ayushi