

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4275 of 2016

1. Bhajanlal Andani S/o Late Khudiyamal Andani Aged About 56 Years R/o Sindhi Colony, Durg, P.S. - Mohan Nagar, Distt. Durg Chhattisgarh
 2. Vipin Andani S/o Bhajanlal Andani Aged About 22 Years R/o Sindhi Colony, Durg, P.S. - Mohan Nagar, Distt. Durg Chhattisgarh
- Applicants**

Versus

- State of Chhattisgarh through, Station House Officer, Police Station - Mohan Nagar, Distt. Durg Chhattisgarh ---
- Respondent**

For the applicants	:	Mr. Awadh Tripathi, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03.08.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 214 of 2016 registered at P.S. Mohan Nagar, Distt. Durg (C.G) for the offence punishable under Sections 294, 306/34 IPC.
2. As per the prosecution case, one Sangeeta Batra set herself on fire on 21.03.2016 and the applicants alongwith co-accused Ghanshyam Das Andani who were tenants had opposed and assaulted the husband of deceased over some dispute of landlord and tenancy and when they went to the house they took away the necklace of the child and thereafter she set her self on fire and ultimately she died on 30.03.2016.
3. Learned counsel for the applicants would submit that the applicants have not abetted the crime. He further submits

that the charge sheet in this case has been filed and no further investigation is necessary. He placed reliance in case laws reported in (2015) 9 SCC 639 – State of Kerala and others Vs. S. Unnikrishnan Nair and others and (2002) 5 SCC 371 Sanju Alias Sanjay Singh Sengar Vs. State of M.P., and would submit that in any case the mens-rea has to be seen and the case u/s 306 IPC is not made out against the applicants. Therefore, under the circumstances, the applicants may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of the deceased which was a dying declaration recorded on 29.03.2016 as also the statement of husband Santosh Batra.
6. Taking into fact that charge sheet in this case has been filed and no further investigation is necessary, without any observation on the merits of the case, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE