

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6561 of 2016

- Kamta Prasad Tandon S/o Sukhnandan, Aged About 28 Years R/o Navalpur, Police Station & Tahsil Bemetara, District Bemetara, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Bemetara, District Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Ms. Sharmila Singhai, Advocate

For Respondent/State : Mr. Neeraj Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24-10-2016

1. This is the first bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 13-6-2016 in connection with Crime No.299 of 2016 registered at Police Station Bemetara, District Bemetara (CG) for the offence punishable under Sections 302, 304, 34, 304-B of the IPC.
2. Case of the prosecution, in brief, is that one Sushma Tandon died on 3-5-2016. She was married to Bhuvan Tandon, she was subjected to torture and before the date of the incident, present applicant along with Bhuvan Tandon, who was husband of deceased caused severe beating to the deceased whereby she died due to excessive bleeding and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the present applicant is brother-in-law (Jeth) of the deceased and he along his wife was residing separately and the entire allegations of beating have been attributed to Bhuvan Tandon, who was husband of the deceased. It is further submitted that present applicant has not committed any offence and only omnibus allegations have been attributed to present applicant. It is further submit that charge-sheet has been filed in this case, the applicant is in jail since 13-6-2016 and no further investigation is necessary, therefore he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail application.
5. I have heard learned counsel for the parties, perused the case diary, documents and statements in which primary allegations have been attributed to Bhuvan Tandon, who was the husband of the deceased.
6. Also perused the statements of the parents of the deceased namely Garib Das and Kumari Bai which are part of the case diary which shows that the applicant along with his wife was residing separately.
7. Taking into consideration all the facts and circumstances of the case, nature of allegations leveled against the present applicant and further considering the statements of the parents of the deceased and also the fact that the charge-sheet has been filed and the applicant is in jail since 13-6-2016, this Court is inclined to released the applicant on bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju