

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4397 of 2017

Rajkumar Tandi, S/o. Shri Raghu Tandi, Aged About 40 Years, R/o. Behrabhatha, Police Station -Sindekala, District -Balangir Orrisa. At Present Ward No. 8, Machchhi Talab, Gudhiyari Raipur, District Raipur, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Mandir Hasoud, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. P.P. Sahu, Advocate

For Respondent/State : Mr. Sumit Jhanvar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

25/10/2017

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 on 06.04.2017, in connection with Crime No.96/2017, registered at Police Station – Mandir Hasoud, District – Raipur (C.G.) for the offence punishable under Section 306 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The deceased Geeta Tandi self immolated her on 29.01.2017, consequent to that she was admitted in Medical College, Raipur, wherein her dying declaration was recorded and she died on 01.02.2017. In dying

declaration, she stated that she had set fire to herself, Although there is some statement about quarrel with husband, which can not be regarded as abetment. It is submitted that the case against the applicant was registered, investigated and charge-sheet has been filed and the trial has commenced, applicant is hopeful to prove his innocence in the trial and hence, prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the statement of the deceased in dying declaration clearly states that applicant had by quarrel and by beating frequently tortured her and had been instrumental in her committing suicide. This statement has been confirmed in the statement of Anita, sister of the deceased in her statement under Section 161 of Cr.P.C., hence, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Considering the submission made and the contents of the case diary as the trial is in progress and considering the nature of the case and the defence of the applicant, no purpose would be served, if the, applicant is kept in detention for whole period of trial. Taking into such fact, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram