

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6818 of 2019**

- Kamlesh Tondon S/o Yadram Tandon Aged About 28 Years R/o Village - Bhilaigarh, District - Balodabazar Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Bhilaigarh - District - Balodabazar Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Vishnu Kosta, Advocate.
For Respondent	:	Mr. Sameer Sharma, Dy.G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10/12/2019**

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 189/2019 registered at Police Station - Janjgir, District Janjgir-Champa (C.G.) for the offence punishable under Section 302/34 of IPC.
- The prosecution story in brief is that on 15.06.2019 in the morning, deceased Ramsay Ajgalle was passing comments on sister of accused persons and there was previous enmity between them as well, due to which, the present applicant along with other co-accused Gopichand Tandon killed the deceased by dashing and running tractor over him. Thereafter, offence has been registered against the applicant and he has been arrested.
- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case, only on the memorandum statement of co-accused Gopichand

Tandon, present applicant has been added as accused. He further submits that the applicant is in jail since 16.06.2019, there is no previous antecedent against him, therefore, the present appellant may be released on bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned counsel for the parties and perused the case diary.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant and further considering the fact that only on the basis of memorandum statement of co-accused present applicant has been arrested, the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
- Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge