

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7536 of 2019

- Kanhaiya Tandi & Anr. S/o Sadhuram Tandi Aged About 22 Years
- Sanjay @ Sanju Yadav S/o Santosh Yadav Aged About 21 Years

Both R/o Near Shitla Mandir, Bhawani Nagar, Police Station-Telibandha, Raipur, District, Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station, Vidhan Sabha, District, Raipur, Chhattisgarh.

---- Respondent

For Applicants	: Shri Shivendu Pandya, Advocate
For Respondent/State	: Shri Anil Tripathi, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

14/01/2020

The applicants have filed these applications under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No. 309/2008 registered at police station Vidhan Sabha, district Raipur (CG) for the offence punishable under Section 302/34 IPC.

As per case of the prosecution, report was lodged by the complainant alleging that on the date of incident the applicants along with other co-accused persons have assaulted the deceased Hari Maheshwari with knife and ran away from the spot.

Counsel for the applicants submits that the applicants have been falsely implicated in the crime. It is further submitted that the applicants have been arrested on the basis of suspicion and that the main allegation is against Bhupendra who has committed the murder of the deceased. Lastly, he submits that the applicants are in jail since 30.08.2019 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand, learned counsel for the State opposes the bail application.

Considering the totality of the facts and circumstances of the case, in particular the detention period of the applicants, I am inclined to release them on regular bail. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicants' furnishing a personal bond of Rs. 25,000/- each with one surety in the like sum to the satisfaction of the concerned court for their appearance before it as and when directed, they shall be released on bail.

Sd/-

(Rajani Dubey)
Judge