

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 3235 of 2021

- Ram Sahay Tandon, S/o Late Mangla Tandon, aged about 81 years, Resident of Village Achholi, P.S. Urla, District Raipur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, through Station House Officer, P.S. Urla, District Raipur (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri F.S. Khare, Advocate
For Non-Applicant/State	:	Shri Rahim Ubwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

08.07.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 06.03.2021 in connection with Crime No. 75/2021 registered in Police Station- Urla, District Raipur (CG) for the offence punishable under Sections 109 & 302 of IPC.
2. The prosecution story, in brief, is that on 06.03.2021 at 07:00 – 08:00 am, complainant had gone to see the crops in his field, when he returned from there, on the way, in the *baadi* of the present applicant two female bodies were lying there smeared with blood and applicant's son namely Bhagat Ram Tandon was also sitting near the female bodies with spade in his hand. At that time, the present applicant supported his son saying that he has done good by killing the deceased and was saying so aloud in the village. When complainant asked from Bhagat Ram, he stated that he assaulted both the ladies.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question and he has not assaulted both the ladies,

he has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 06.03.2021 and due to Covid-19, trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has no criminal antecedents.
5. I have heard learned counsel for the parties.
6. Having regard to the facts and circumstances of the case, the fact that the assault was made by the son of the present applicant and the present applicant only supported his son saying that he has done good by killing the deceased, the detention period of the applicant who is 81 years old, the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and due to covid-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
7. It is directed that in the event of applicant executing a personal bond for a sum of Rs2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail, on following conditions :-
 - i. he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such fact to the Court.
 - ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - iv. he shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
 - v. he shall not involve himself in any offence of similar nature in future.

8. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant involving himself in similar nature of offence.

Sd/-
(Gautam Chourdiya)
Judge

vatti