

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6161 of 2021

- Bhagatram Tandon, S/o Ramsahay Tandon, aged about 40 Years, R/o 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.).

---Non-applicant

For Applicant	Mr. F.S. Khare, Advocate.
For State	Dr. (Ms.) Veena Nair, Deputy A.G.
For Objector	Ms. Supriya Upasane, Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

15/09/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.75/2021 registered at Police Station Urla, District Raipur, C.G. for the offence punishable under Sections 109, 302 read with 34 of Indian Penal Code.
2. Case of the prosecution, 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 co-accused- Ram Sahay Tandon two female bodies were lying there smeared with blood and the son of the co-accused i.e. Bhagat Ram Tandon (present applicant) was also sitting near the female bodies with spade in his hand. At that time, the co-accused supported the present applicant saying that he has done good by killing the deceased persons and

was saying so aloud in the village. When complainant asked the present applicant, he stated that he assaulted both the ladies.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that applicant has not assaulted the deceased persons, the applicant is in jail since 06.03.2021, charge sheet has already been filed, due to COVID-19 pandemic conclusion of trial is likely to take some time. It is further submitted that co-accused person namely Ram Sahay Tandon has been granted regular bail by this Court passed in MCRC No. 3235 of 2021. Therefore, the applicant be released on bail on the ground of parity.
4. On the other hand, learned counsel for the State as well as the Objector oppose the bail application.
5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the allegation made against the present applicant that he assaulted upon the deceased persons, the gravity of the offence, the material so far collected against the applicant, the case of the applicant being distinguishable on facts from the case of the co-accused person who has been granted bail by this Court, without commenting anything on merits of the case, this Court is not inclined to release the present applicant on bail.
7. Accordingly, the bail application is rejected.

Sd/-
Gautam Chourdiya
Judge

