

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3795 of 2017**

1. Panjab Sahu S/o Tiju Ram Sahu, Aged About 40 Years R/o Village Bade Mudpar (Kusiyaridih), P.S. Dabhra, District Janjgir-Champa, CG
2. Shankar Lal S/o Seth Prasad Sahu, Aged About 27 Years R/o Village Charoudi, P.S. Malkharoda, District Janjgir-Champa, CG
3. Rajesh Kumar Sahu S/o Bhagirathi Sahu, Aged About 23 Years R/o Village Devarghata, P.S. Dabhra, District Janjgir-Champa, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through The District Magistrate, Janjgir, District Janjgir-Champa, CG

---- Respondent

For applicants	Mr. Vimal Tonde and Mr. Tarun Dansena, Adv.
For Respondent/State	Mr. Gary Mukhopadhyay, Dy. Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****17-11-2017**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail application is pending before any other court.
2. Perused the copy of the case diary produced by counsel for the State in connection with Crime No. 111/2017 registered in police station Dabhra, Distt. Janjgir Champa (CG) for offence punishable under Sections 458, 323, 365 read with Section 34 of the IPC and also heard counsel for the parties.
3. Prosecution story in brief is that at about 7-8 pm, on 4-4-2017, in village Bade Mudpar, Kusiyaridih, complainant Makhan Sahu was in his house. The applicants Panjab Sahu, Shankar Lal and Rajesh Kumar Sahu entered in his house, beat him and took him away to Devarghata.
4. Charge sheet has already been filed and the matter is pending before the JMFC, Sakti. The applicant is in custody since 19-4-2017.

5. Counsel for the applicant argued that the applicants are innocent and falsely implicated hence they be released on bail.
6. On the other hand, the Panel Lawyer appearing for the State opposed the bail application.
7. Looking to the above facts and circumstances of the case, looking to the facts that there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, applicants are in custody since 19-4-2017, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicants. Consequently, the application is allowed. It is ordered that if each of the applicants furnishes one solvent surety for a sum of Rs. 20,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned with the condition that they will appear before the concerned trial Court at 11 AM as and when directed till trial, they be released on bail.
8. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge