

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1550 of 2018

1. Nandkishore Sahu S/o Girdhari Ram Sahu Aged About 30 Years R/o- Amlidih, Post Office- Raipur, Police Station- New Rajendra Nagar, Raipur, District- Raipur, Chhattisgarh.
2. Khelan Vishwakarma S/o Rewaram Vishwakarma Aged About 28 Years R/o- Village- Teka, Post Office And Police Station - Rajim, District- Gariyaband, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station- Rajim, District- Gariyaband, Chhattisgarh.

---- Non-applicant

For Applicants : Shri Shivendu Pandya, Advocate.

For Non-applicant : Shri U.N.S. Deo, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

13.04.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 01/2018 registered at Police Station – Rajim, District – Gariyaband (C.G.) for the offence punishable under Sections 41(1+4)/379, 411, 34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 22.01.2018, Sub-inspector, Crime Branch, Gariyaband - Sachin Singh along with other

staff were patrolling in Rajim township. Sub-inspector Sachin Singh received some information from an informant. On the strength of such information, near about 20:15 hrs. Sub-inspector Sachin Singh taken the applicants into custody. One motor cycle was seized from the possession of applicant No. 2 Khelan Vishwakarma at the instance of applicant No.1 Nandkishore Sahu. The applicants have admitted that they have sold one motor cycle to one Hemant Dewangan.

4. The charge-sheet has not been filed, the matter is triable before the Judicial Magistrate First Class. The applicants are in custody since 23.01.2018.

5. Learned counsel for the applicants submits that the applicants have no criminal background. They are innocent and have been falsely implicated in the present case, therefore, they may be released on bail.

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

7. Looking to these circumstances and other facts of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicants.

8. Accordingly, the M.Cr.C. is allowed.

9. It is directed that if the applicants furnish one solvent surety for a sum of Rs.20,000/- each along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that they will appear before the Trial Court at 11:00 am as and when directed till trial and they would cooperate during the trial, they shall be released on bail.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

kishore