

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2420 of 2018**

1. Bhuneshwar Verma, S/o Shri Bankelal Verma Aged About 23 Years,
2. Khumesh Dewangan S/o Jivrakhan Dewangan, Aged About 26 Years

Both are R/o Village Tekapar Kala, Police Station Chhuikhadan
(Wrongly Mentioned As Khairagarh) Tehsil Khairagarh, District
Rajnandgaon, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Mohara District Rajnandgaon, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri R.S. Marhas, Advocate
For the State	:	Shri UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**30/04/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 27/2018 registered at Police Station Mohara, District Rajnandgaon (C.G.) for the offence punishable under Sections 380, 457 read with 34 of Indian Penal Code.
3. Case of the prosecution, in brief is that in the intervening night of 20-21/01/2018 in village Dhara, Police Chowki Mohara, District Rajnandgaon (C.G.) from the mobile shop of the complainant Uttam Kumar Verma near about 20 mobiles were stolen, cost of stolen property is near about Rs. 15,909/-. Mobiles were seized on the

instance of the memorandum of the applicants.

4. Learned counsel for the applicants submits that applicants are innocent and falsely implicated in the present case, the offences are triable by the Judicial Magistrate and the applicant are in jail since 17/02/2018, therefore, they shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. The offences are triable by Judicial Magistrate, looking to the facts and circumstances 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, that the applicants are in jail since 17/02/2018, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicants.
7. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed.
8. It is directed that if the each applicant furnishes one solvent surety for a sum of Rs. 20,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that they shall 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.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge