

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2423 of 2018**

1. Narad Das Gendre S/o Shri Bhuneshwar, Aged About 27 Years R/o- Village- Ward No. 13, Biladi, P.S. And Tahsil- Tilda, District- Raipur, Chhattisgarh.
2. Chandrahas Gendre S/o Shri Bhuneshwar Gendre Aged About 24 Years R/o- Pandit Deen Dayal Ward, Nehta Nagar, Bhatapara, P.S. And Tahsil- Bhatapara, District- Baloda Bazar- Bhatapara, Chhattisgarh.
3. Radheshyam Tandan S/o Shri Latel Tandan Aged About 30 Years R/o- Village- Bainmundi, P.S.- Kharora, District- Raipur, Chhattisgarh.
4. Omprakash S/o Shri Dujram Aged About 33 Years R/o- Village- Latua, P.S. And Tahsil And District- Baloda Bazar- Bhatapara, Chhat

---- Applicants

Versus

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

---- Respondent

For the Applicants	:	Shri D. Kushwaha, 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. 14/2018 registered at Police Station Fingeshwar, District Gariyaband (C.G.) for the offence punishable under Sections 454, 380, 392, 34 of Indian Penal Code.
3. Case of the prosecution, in brief is that on 01/02/2018 near about

15.30 p.m. applicants entered in the house of complainant Chhannulal at village Nagjhar, at that time complainant was not present in his house. Applicants committed the loot. The worth of stolen property is Rs. 12,000/-.

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 28/02/2018, 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 28/02/2018, 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. 25,000/- 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