

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3668 of 2018**

1. Purno Tandi S/o Jagbandhu Tandi Aged About 23 Years
2. Sandeep Khura S/o Kuili Khura Aged About 27 Years both are
R/o- Village Gidmal, Post- Bechhugahili, Thana- Belpada,
District- Bolangir (Odisha), District : Balangir, Orissa

---- Applicants**Versus**

State Of Chhattisgarh Through- Station House Officer, Police
Station- Mahasamund, District- Mahasamund, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Vikas Pradhan, Advocate
For the State	:	Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**24/08/2018**

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. 244/2017 registered at Police Station Mahasamund, District Mahasamund (C.G.) for the offence punishable under Sections 411, 457, 380/34 of IPC.
3. Case of the prosecution, in brief is that between 03/04/2017 to 06/05/2017 applicants had stolen ornaments worth Rs.42,000/-, cash of Rs. 20,000/- total Rs.62,000/- from the house of the complainant Bhukhan Lal Sinha at Shivalaya Park, Mahasamund.
4. Learned counsel for the applicant submits that applicants are innocent and falsely implicated in the present case, therefore, they shall be

released on bail.

5. On the other hand, learned counsel for the State opposes the bail application and submits that one case under the same sections had been registered against the applicants.
6. Looking to the above mentioned facts and circumstances of the case, looking to this fact that offences are triable by Judicial Magistrate First Class, 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. It is directed that if each of the applicants furnishes two solvent sureties for a sum of Rs. 25,000/- each along with a personal bond of Rs. 50,000/- 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge