

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3708 of 2018**

1. Shailendra Kumar @ Nan, S/o Late Rambadan, Aged About 22 Years Caste- Uraon, R/o- Bandhpara, Churha, Tahsil Baikunthpur, District- Korea, Chhattisgarh.
2. Bhushan Singh @ Ravi S/o Indrapal Aged About 25 Years R/o- Vivekanand Colony Churha, Tahsil Baikunthpur, District- Korea, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through- The Station House Officer, Police Station Churha, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Ishwar Jaiswal, Advocate
For the State	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**25/06/2018**

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. 46/2018 registered at Police Station Churha, District Korea (C.G.) for the offence punishable under Sections 342, 294, 506, 323, 364, 34 of IPC.
3. Case of the prosecution, in brief is that victim Ashok Kumar is the resident of Bandhpara. On 09/04/2018 at 9 p.m. both the applicants abused and beaten the victim and abducted him because victim was talking with the sister of applicant No.1.
4. Learned counsel for the applicants submit that applicants are innocent

and falsely implicated in the present case and the applicants are in custody since 12/04/2018, therefore, they shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Looking to the above mentioned facts and circumstances of the case, looking to this fact that there is no likelihood of the accused to abscond and tamper the evidence, charge-sheet has been filed and the trial will take its own time, applicant is in jail since 12/04/2018, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
7. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed.
8. It is directed that if the applicants furnishes one solvent surety for a sum of Rs. 25,000/- each 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