

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3780 of 2018**

Kumar Sahu @ Deepu Sarathi, son of late Shri Basant Sahu, aged about 23 years, resident of Jogidipa, Raigarh, Police Station City Kotwali, Raigarh, Tahsil and District Raigarh (CG).

---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station City Kotwali, Civil and Revenue District Raigarh (CG).

---- Non-applicant

For Applicant : Mr. Vimal Kumar Tondey, Advocate.

For Non-applicant : Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****04.07.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant 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.200/2018 registered at Police Station City Kotwali, District Raigarh for the offence punishable under Sections 294, 341, 394, 506-B, 427 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 02.03.2018 complainant Bhushan Barwa was going to his home at village Vijaypur along with his friends by his vehicle Bolero bearing registration No.C.G.13U.E.013, when he reached at near Water Tank then accused/applicant and co-

accused namely Mohd. Riyaj and Bitthal @ Aakash Uraon stopped the said vehicle and demanded money of Rs.500/-, snatched his mobile and broken the glass of the vehicle.

4. The applicant is in custody since 05.03.2018.
5. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. Looking to these 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, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.
8. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
9. It is directed that if the 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 Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE