

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5391 of 2018**

1. Vinod Bhagat son of Shri Bhimram Bhagat, aged about 23 years, R/o Village Bhedimuda, P.S. And Tahsil Lailunga, District Raigarh (CG).
2. Shiv Prasad Chouhan, son of Dharmu Chouhan, aged about 21 years, R/o Mati Pahad (Chharra), P.S. And Tahsil Farsabahar, District Jashpur (CG).

---- Applicants**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Gharghoda, District Raigarh (CG).

---- Non-applicant

For Applicants : Mr. Rakesh Kumar Behra, Advocate.

For Non-applicant : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****22.10.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.192/2018 registered at Police Station Gharghoda, District Raigarh for the offence punishable under Sections 363 & 370/34 of IPC and Section 84 of Juvenile Justice Act.
3. Case of the prosecution, in brief is that on 04.07.2018 the present applicants were taking away five minor children and five other children to Goa by enticing they will get more money there.
4. Counsel for the applicants submits that the applicants have not committed any offence. They are innocent and have been falsely

implicated in the present case, therefore, they may be released on bail.

5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicants.

6. I have heard counsel for the parties and perused the case diary with utmost circumspection.

7. As per photocopy of the statement recorded under Section 164 of CrPC of Roshan Lakra, Rajesh Lakra, Ghasiram Tigga, Arvind Lakra and Roshan Kispotta, they told to the applicant No.1 Vinod Bhagat that they want to go Goa and, thereafter, they had joined accompany of the applicants.

8. 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; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicants.

9. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.

10. 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 Trial 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 co-operate during the trial, they shall be released on bail.

11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-