

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5824 of 2018**

Shravan Kumar Dhru S/o Shri Kheduram Dhru Aged About 28 Years R/o Village Kouhakuda, Police Station Tendukona Tahsil Baghbahara, Civil And Revenue Distt. And Distt. Mahasamund Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Komakhan, Civil And Revenue Distt. And Distt. Mahasamund Chhattisgarh.

---- Respondent

For the Applicant	:	Shri J.A. Lohani, Advocate
For the State	:	Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**05/09/2018**

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 counsel for the State in connection with the Crime No. 39/2018 registered at Police Station Komakhan, District Mahasamund (C.G.) for the offence punishable under Sections 394/34 of IPC.
3. Case of the prosecution, in brief is that on 24/03/2018 at about 02.30 p.m. complainant Hemlal Sahu along with Ramcharan Sahu were returning back from the Khariyar Road to village Chandarpur, by his motorcycle bearing registration number C.G. 06 / GJ 3724. Near the Primary School, Temri, N.H. No. 353, said motorcycle was slipped. Two unknown persons reached there and taken away the said motorcycle forcefully. During the identification parade complainant identified the applicant.
4. Counsel for the applicant argued that applicant is innocent and falsely

implicated in the present case, therefore, he 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 and as per the statement of the Govt. Advocate there is no antecedents of the applicant and offence is 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 applicant.
7. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed. It is directed that if the applicant furnishes one solvent surety for a sum of Rs. 30,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge