

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5858 of 2018**

1. Vinay Kumar Minj S/o Late Shri Shiv Lal Minj Aged About 30 Years Occupation- Agriculture, R/o- Village Aani (Patelpara), P.S. Baikunthpur, District- Korea, Chhattisgarh.
2. Dinesh Kumar Toppo S/o Janohar Toppo Aged About 34 Years Occupation- Agriculture, R/o- Village Lai P.S. Podi, District- Baikunthpur, Korea, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through- The Station House Officer,
Police Station Rajpur (Chowki Bariyon), District- Balrampur-
Ramanujganj, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Jitendra Shrivastava, Advocate
For the State	:	Shri Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**31/08/2018**

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 Ishtagash No.4/2018 registered at Police Station Rajpur (Chowki Bariyon), District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 41 (1-4) read with Section 379 of the IPC.
3. Case of the prosecution, in brief is that on 18/06/2018 in the night at village Talwapara, District Baikunthpur. Applicants and co-accused Vinay Minj cut down a sandal tree from the border of the field (*Med*). 25 Kgs. Pieces of sandal wood and 2 saw were seized from the applicants and co-accused Vinay Minj.
4. Learned counsel for the applicants submits that applicants are 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 antecedent, offence is triable by the Judicial Magistrate, 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 applicants furnishes one solvent surety for a sum of Rs. 30,000/- 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde