

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5968 of 2018**

1. Lalan Sah S/o Awdhesh Sah Aged About 29 Years R/o Village Pachgachhcia, Post Office And Police Station Gopalpur, District Bhagalpur (Bihar).
2. Pravesh Kumar Sah S/o Surendra Sah Aged About 30 Years R/o Village Pachgachhcia, Post Office And Police Station Gopalpur, District Bhagalpur (Bihar).

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer,
Police Station Saraipali, District Mahasamund Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Shivendu Pandya, Advocate
For the State	:	Shri Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****07/09/2018**

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. 167/2018 registered at Police Station Saraipali, District Mahasamund (C.G.) for the offence punishable under Sections 379, 420/34 of IPC.
3. Case of the prosecution, in brief is that complainant Smt. Kanta Agrawal is the resident of Jain Colony, Saraipali. On 09/06/2018 at about 10.30 a.m. applicants reached in her house and stated about cleaning of the ornaments. Complainant had given some ornaments to the applicants for cleaning. When complainant return back from the kitchen along with hot water, she saw that applicants were not present and the ornaments were also not present. Applicants had stolen said ornaments.

4. Counsel for the applicants argued that applicants are innocent and falsely implicated in the present case, 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 and as per the statement of the Govt. Advocate that the concerned Police Station has not intimated him about the antecedents of the applicants, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicants.
7. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed. It is directed that if the applicants furnish two solvent sureties for a sum of Rs. 25,000/- each along with a personal bond of Rs. 50,000/- to the satisfaction of the concerned Court with the condition that they will not involve themselves in any of the crime in future, they be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge