

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.6471 of 2018**

- 1.Chandan Yadav, son of Shri Girja Yadav, aged about 23 years, Caste Ahir, Resident of Village Chamardohri, Thana Chainpur, District Palamu (Jhharkhand), Present address Seepara, Nehru Ward, Ambikapur, District Surguja.
2. Sharavan Kumar son of Shri Kunwar Prasad, aged about 21 years, Caste Basor, Resident of Village Pashupatipur, Thana Basantpur District Balrampur Ramanujganj (CG).

---- Applicants**Versus**

State of Chhattisgarh, through Police Chowki Vadrafnagar, Police Station Basantpur, District Balrampur Ramanujganj (CG).

---- Non-applicant

For Applicants : Mr. A.K. Yadav, Advocate.

For Non-applicant : Mr. Ashok Kumar Swarnakar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****23.10.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail application is pending before any other Court.
2. The applicants have been arrested in connection with Crime No.33/2018 registered in Police Chowki Vadrafnagar, Police Station Basantpur, District Balrampur Ramanujganj for the offence punishable under Sections 394, 397, 458, 506, 342 read with 34 of Indian Penal Code and Sections 25 & 27 of Arms Act.
3. Prosecution story in brief is that complainant Smt. Fulmati Kushwaha is a resident of village Gautiapara. On 28.03.2018 at about 9:00 pm, three persons have covered their faces with mask and entered into the house of complainant and gave threatening to kill her and took ornaments & cash, the total worth of Rs.50,000/- from her house.

4. Counsel for the applicants submitted that the applicants are innocent and have been falsely implicated in the present case hence they may be released on bail.
5. Counsel for the State opposed the prayer for grant of bail. However, he further submitted that no criminal antecedent is reported against the applicants in police case diary.
6. I have heard counsel for the parties and perused the case diary with utmost circumspection.
7. At the instance of memorandum of the applicants, seizure has been effected. Two country made pistols have also been seized from the possession of the Applicant No.2-Sharavan Kumar.
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 benefits of Section 439 of the CrPC to the applicants.
9. Accordingly, the present bail application filed under Section 439 of the CrPC is allowed.
10. It is directed that if the applicants furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond in the sum of Rs.50,000/- each 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/-