

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6382 of 2018**

1. Sunil S/o Bhuneshwar, Aged About 20 Years
 2. Dhandev S/o Muneshwar, Aged About 19 Years
 3. Lalmohan S/o Birbal, Aged About 31 Years
 4. Shivkumar S/o Jahru, Aged About 37 Years Caste Routiya,
- All R/o Vill. Raitoli Gatibuda, Police Station Tapkara, District Jashpur Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Tapkara, District Jashpur Chhattisgarh.

---- Respondent

For the Applicant	:	Shri A.K. Shukla, Advocate
For the State	:	Shri Sumeet Jhavar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**25/10/2018**

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.43/2018 registered at Police Station Tapkara, District Jashpur (C.G.) for the offence punishable under Section 394 read with Section 34 of IPC.
3. Case of the prosecution, in brief is that complainant Lalbabu was driver of the vehicle No. C.G.15 DF 3009. He was going from Odisha to Ambikapur on 16/07/2018 transporting the coal. Near village Kasjora four persons having iron instrument tried to stop said vehicle and attempted to commit the robe cash from the said complainant. During investigation said complainant identified applicant No.1 Sunil. On the

memorandum of applicants some instruments have been seized from them.

4. Learned counsel for the applicants submits 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. He further submits that there is no antecedents against the applicants.
6. Looking to the above mentioned facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, 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 ordered that if the applicants furnishes two solvent sureties each for a sum of Rs. 25,000/- along with one personal bond of Rs. 50,000/- to the satisfaction of the trial Court concerned with the condition that he 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