

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6431 of 2018**

- Omraj Mahapatre S/o Vishwaranjan Mahapatre Aged About 19 Years R/o- Village- Pansapada Sankara, Police Station- Sundargarh, District- Sundargarh (Odissa), District : Sundargarh, Orissa

---- Applicant

Versus

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

---- Non-applicant

And**MCRC No. 6570 of 2018**

- Suraj Sahu S/o Lallan Sahu Aged About 19 Years R/o- Village- Pansapada Sankara, Police Station- Sundargarh, District- Sundargarh (Orissa), District : Sundargarh, Orissa

---- Applicant

Versus

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

---- Non-applicant

And**MCRC No. 6573 of 2018**

- Narendra Kalser @ Tinku S/o Shivnarayan Kalser Aged About 28 Years R/o- Village- Kendupada Sankara, Police Station- Sundargarh, District- Sundargarh, (Orissa), District : Sundargarh, Orissa

----Applicant

Versus

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

---- Non-applicant

For Applicants : Shri Malay Shrivastava, Advocate

For Non-applicant : Shri Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

31.10.2018

1. Since all the three bail applications are arising out of same Crime No., they are being disposed off by this common order.
2. These are first bail applications under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
3. Perused the case diary provided by the learned counsel for the State in connection with crime No. 32/2018 registered at Police Station – Tapkara, District- Jashpur (C.G.) for the offence punishable under Section 395 of the Indian Penal Code.
4. Case of the prosecution, in brief is that on 04.06.2018 about 6 pm driver of the Truck No. CG15DB9971 Tahir Ahmad and driver of the Truck No. CG15DF7361 Mubarak Ali were transporting the iron plates from Rourkela to Ambikapur. Near the village Sako six persons reached there by motorcycles, stopped aforesaid trucks showing the iron rods, robbed Rs. 40500/-, one mobile of idea company of No. 9977674666 from the complainant Mubarak Ali and Rs. 38000 from complainant Tahir Ahmad. Applicants have been identified by both the complainants. Rs. 6500/- and one motorcycle were seized from applicant Omraj Mahapatre, Rs. 5000/- and one mobile were seized from applicant Suraj Sahu. At the instance of memorandum of applicant Narendra Kalser @Tinku Rs. 6000/-, iron rods, motorcycle, one mobile were seized.
5. Learned counsel for the applicants submits that applicants have no criminal background. They are innocent and have been falsely implicated in the

present case, therefore, they shall be released on bail.

6. On the other hand, learned counsel for the State opposes the bail applications and submits that there is no antecedent against the applicants Omraj Mahapatre and Narendra Kalser but one robbery case is registered against Suraj Sahu in Orissa.
7. This is not the prosecution case that any of the alleged sized mobiles belongs to complainant Mubarak Ali.
8. Looking to the 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 benefit of Section 439 of the Cr.P.C. to the present applicants.
9. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
10. It is directed that if applicants **Omraj Mahapatre** and **Narendra Kalser** each furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court and applicant – **Suraj Sahu** furnishes 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 Trial Court with the condition that they will 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.
11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE