

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6485 of 2018**

1. Ashoki S/o Nandkumar Savra, aged about 25 years, R/o village Dhurrabandha, Tahsil and P.S. Bhatapara, District Balodabazar Bhatapara (CG).

2. Mukesh @ Raja Savra, S/o Prahlad Savra, aged about 23 years, R/o Sant Ravidas Ward, Bhatapara, Tahsil and P.S. Bhatapara, District Balodabazar Bhatapara (CG).

---- Applicants**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Bhatapara (Urban), District Balodabazar Bhatapara (CG).

---- Non-applicant**AND****MCRC No. 7532 of 2018**

Nandkumar @ Nandu Sawra S/o Sukalu Sawra, aged about 53 years, R/o Mahasati Ward, nearby Minimata Hostel, Bhatapara, Police Station Bhatapara (Sahar), District Baloda bazar Bhatapara (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Bhatapara (Sahar), District Balodabazar Bhatapara (CG).

---- Non-applicant

For Applicants : Mr. Amiyakant Tiwari & Mr. Anil Gulati, Advocates.

For Non-applicant : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

23.10.2018

1. Above mentioned two bail application arise out of a common Crime No.183/2018 registered at Police Station Bhatapara, District Balodabazar-Bhatapara for the offence punishable under Sections 420, 394, 34 of Indian Penal Code, therefore, they are being heard analogously and decided by this common order. All the two are first bail applications filed by the applicants under Section 439 of the Cr.P.C.
2. Case of the prosecution, in brief is that accused Nandkumar @ Nandu Sawra and co-accused Raju Sawra had done the sale agreement of some land with complainant Ishwar Prasad Shukla and said that they are the owners of the said land. They have received an amount of Rs.1,50,000/- from the said complainant as on advance. In fact, they were not the owners of the said land. On 13.07.2018 when the said complainant came to worship (*Bhumi Pujan*) of the said land at that time applicants Ashoki Savra and Mukesh @ Raja Savra came there from behind of complainant and took the bag of the complainant which was lying on the land in which a sum of Rs.1,50,000/- and one necklace (Mangal-sutra) were kept. After taking the said bag, applicants Ashoki Savra and Mukesh @ Raja Savra ran away from the spot.
3. Counsel for the respective applicants submit that the applicants have not committed any offence. They are innocent and have been falsely implicated in the present case, therefore, they may be released on bail.
4. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicants. He further submits that no criminal antecedent is reported against the applicants in police case diary.
5. I have heard counsel for the parties and perused the case diary with utmost circumspection.
6. 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 benefit of Section 439 of the Cr.P.C. to the applicants.
7. Accordingly, the bail applications (M.Cr.C. No.6485/2018 & M.Cr.C. No.7532/2018) filed under Section 439 of the Cr.P.C., are allowed.

8. It is directed that if the applicants furnishes one solvent surety for a sum of Rs.25,000/- each along with a personal bond in the like sum 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.

9. Certified copy as per rules.

SD/-

(Sharad Kumar Gupta)

JUDGE

L/-