

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.6918 of 2018**

Ajay Kumar Jangade, S/o Sunil Kumar Jangade, aged about 20 years, R/o Near General Stores, Manikpur Basti, Korba, District Korba (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station City Kotwali, Korba, District Korba (CG).

---- Non-applicant**AND****MCRC No.7159 of 2018**

Rohan Kumar Sandey, S/o late Shatruhan Sandey, aged about 22 years, R/o Kadamhakhari Basti, Manikpuri, Out post Manikpuri, Korba, P.S. Tahsil and District Korba (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station City Kotwali, Korba, District Korba (CG).

---- Non-applicant

For Applicants : Ms. Indira Tripathi, Advocate
For Non-applicant : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****04.12.2018**

1. Above mentioned two bail applications arise out of a common Crime No.535/2018 registered at Police Station City Kotwali, District Korba for the offence punishable under Sections 394, 34 of the Indian Penal Code, therefore, they are being heard analogously and decided by this common order. All the two are first bail applications filed under Section 439 of the CrPC.
2. Prosecution story in brief is that the complainant Suresh Kumar Rajak is a driver of truck bearing Registration No.C.G.12A.J.0335. On 28.07.2018 at about 4:00 p.m., three persons came by motor-cycle and abused him and beat him and robbed one purse containing of three notes of Rs.500/-, Adhaar card, PAN card, driving license and two freight receipt of truck from him.
3. Counsel for the respective applicants submitted that the applicants are innocent and have been falsely implicated in the present case hence they may be released on bail.
4. Counsel for the State opposed the prayer for grant of bail. However, he

submits that no criminal antecedent reported against the applicants in police case diary.

5. On the memorandum of the Applicant-Ajay Kumar Jangade, one freight receipt was seized from him.
6. On the memorandum of the Applicant-Rohan Kumar Sandey, Rs.500/- and one Adhar card of the complainant was seized from him. He was identified by the said complainant in Test Identification Parade.
7. 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. Accordingly, the bail applications (M.Cr.C. No.6918/2018 & M.Cr.C. No.7159/2018) are allowed.
8. It is directed that in case, each of the applicants i.e. Ajay Kumar Jangade and Rohan Kumar Sandey furnish two solvent sureties for a sum of Rs.25,000/- along with a personal bond in the sum of Rs.50,000/- 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 and they shall not commit such type of offence in future.
9. Certified copy as per rules.

L/-

Sd/-
(Sharad Kumar Gupta)
JUDGE