

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6895 of 2018**

Bharosa Ram S/o Shri Sadharan Ram Aged About 30 Years R/o Birpur
Police Station Jainagar District Surajpur Chhattisgarh, District :
Surajpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Rajpur (Chowki
Bariyon) District Balrampur Ramanujganj Chhattisgarh, District :
Balrampur, Chhattisgarh.

---- Respondent

For the Applicant	:	Smt. Meena Shastri, Advocate
For the State	:	Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**01/11/2018**

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 Ishtgasa No. 4/2018 (Crime No. 146/2018 at Police Station Baikunthpur, District Koriya, Police Station Ishtgasa at Rajpur (Chowki Bariyon), District Balrampur-Ramanujganju (C.G.) Crime No. 146/2018 at Police Station Baikunthpur, District Koriya (C.G.) for the offence punishable under Section 41 (1-4) of CrPC with Section 379, 34 of IPC.
3. Case of the prosecution, in brief is that on 18/06/2018 in the night at village Talwapara, District Baikuthpur, some unknown person cut down a sandal tree from the land of the complainant Rakesh Panika. On the memorandum of applicant Bharosaram 75 Kg. Pieces of sandal wood were seized from him.
4. Learned counsel for the applicant submits that he is innocent and falsely

implicated in the present case, therefore, he 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 applicant.
6. Two other co-accused namely Vinay Kumar Minj and Dinesh Kumar Toppo have been enlarged on bail by this Court on 31/08/2018 in MCRC No. 5858/2018, the case of applicant is not severe than those who are enlarged on bail.
7. 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 applicant.
8. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed. It is directed that if the applicant furnishes one solvent surety for a sum of Rs. 30,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge