

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7730 of 2018**

1. Jabbar Khan, S/o Abdul Asagar, aged about 48 years.
 2. Aslam Khan, S/o Bismilla Khan, aged about 38 years.
- Both the applicants are R/o Village Bilouli, Jagdishpur, P.S. Fatehpur, District Barabanki (UP). **---- Applicants**

Versus

State of Chhattisgarh, through Station House Officer, Ramanujnagar, Revenue & Civil District Surajpur (CG). **---- Non-applicant**

For Applicants	: Mr. Surfaraj Khan, Advocate.
For Non-applicant	: Mr. Ramakant Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

10.12.2018

1. This is first bail application 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.
2. Perused the case diary provided by the counsel for the State in connection with crime No.78/2018 registered at Police Station Ramanujnagar, District Surajpur for the offence punishable under Sections 417, 384, 120-B, 420/34 of IPC.
3. Case of the prosecution, in brief is that on 24.05.2018, there was an agreement for excavation of field between the complainants Smt. Phalsundari, Sukhdev Singh and two unknown persons. The said complainants and two unknown persons reached at Central Bank, Ramanujnagar. That unknown persons obtained the signature of the complainants Smt. Phalsundari and Sukhdev Singh on the withdrawal form and withdrew Rs.2,00,000/- from the account of the said complainants. That persons also obtained a golden locket (Mohar) from the complainant-Smt. Phalsundari by threatening.
4. Counsel for the applicants submits 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.
5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicants. However, he submits that no criminal antecedent reported against the applicants in police case diary.
6. On the memorandum of the applicant No.1-Jabbar Khan, Rs.1,00,000/-

was seized from him.

7. On the memorandum of the applicant No.2-Aslam Khan, Rs.1,00,000/- and one golden locket (Mohar) were seized from him.

8. 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. Accordingly, the bail application is allowed.

9. It is directed that if the applicants furnish 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.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-