

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7871 of 2018**

- Sonu S/o Santosh Kumar Suryavanshi Aged About 21 Years R/o Village- Ganiyari, Police Station- Kota, Tahsil- Takhatpur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
- Abhimanyu S/o Amol Kumar Suryavanshi Aged About 23 Years R/o Village- Ganiyari, Police Station- Kota, Tahsil- Takhatpur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Kota, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For the Applicants	:	Shri Rajeev Kumar Dubey, Advocate
For the State	:	Shri Ashok Swarnkar, Panel Lawyer

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 photocopy of the charge sheet. The applicant has been arrested in connection with the Crime No.265/2018 registered at Police Station Kota, District Bilaspur (C.G.) for the offence punishable under Section 392, 34 of IPC.
3. Case of the prosecution, in brief is that on 24/06/2018 complainant Suraj Kaushik was returning back his house from Bilaspur after selling paddy. Rs. 18,500/- was in his pocket. Near Petrol Pump at village Ganiyari three persons came near to him, given threatening to kill and demanded the valuable articles. One person slapped on his cheek, two persons robbed Rs.18,500/- and one mobile of Intex company. All the three persons ran away from there. During investigation complainant identified

the applicants. At the instance of memorandum of the applicant No. 1 Sonu Rs. 9000/- cash, one Intex mobile were seized from him. On the memorandum of applicant No. 2 Abhimanyu Rs. 3000/- has been seized from him.

4. Learned counsel for the applicant submits that applicant 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.
6. As per the photocopy of the arrest memo of applicant which is part of the charge sheet no criminal antecedent has been reported against them.
7. In the case in hand one coaccused Vasudeo has been enlarged on bail on 23.10.2018 by this Court.
8. 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.
9. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed. It is ordered that if each applicant furnishes two solvent sureties each for a sum of Rs. 25,000/- along with one personal bond of Rs. 50,000/- to the satisfaction of the trial Court concerned with the condition that he will not involve himself in any of the crime in future, he be released on bail.
10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge