

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7036 of 2018**

Devvrat S/o Chandulal Verma Aged About 28 Years R/o Village-Mopka, Police Station- Bhatapara (Rural) District- Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh .

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station-Simga, District- Balodabazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh .

---- Respondent

Along with

MCRC No. 7942 of 2018

Anil Savra S/o Albela Savra Aged About 28 Years R/o Hathband , Tahsil And Police Station Simga, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh .

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Simga District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Amiyakant Tiwari (MCRC No. 7036/2018) and Shri Sushobhit Singh (MCRC No.7942/2018), respective Advocates
For the State	:	Shri A.K. Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**26/10/2018**

1. As MCRC No. 7036/2018 and MCRC No. 7942/2018 arise out of the same crime number of same Police Station, they are being disposed of by this common order.
2. The applicants have preferred these first bail application under Section 439 of the CrPC and there are no bail applications are pending before

any other Court.

3. Perused the case diary provided by the counsel for the State in connection with the Crime No.233/2018 registered at Police Station Simga, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 379 and 411/34 of IPC.
4. Case of the prosecution, in brief is that complainant Dinesh Agrawal is the resident of village Damakheda. On 26/07/2018 his Samsung Mobile was stolen from his pocket in the weekly market by unknown person. On the memorandum of Deepak Verma one mobile has been seized from him. The complicity of applicant Devvrat Verma @ Golu Verma is described in the memorandum of Deepak Verma, the complicity of the applicant Anil Savra is described in the memorandum of Devvrat Verma @ Golu Verma.
5. Counsel for the applicants submitted that applicants are innocent and falsely implicated in the present case, therefore, they shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application. He further submits that there are three other criminal cases have been registered against the applicant Devvrat @ Golu under the IPC and one another criminal case has been registered against Anil Savra.
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, offences are triable by Judicial Magistrate First Class, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicants.
8. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed. It is ordered that if the applicants 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 applicants will not involve themselves in any of the crime in

future, they be released on bail.

9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde