

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.8728 of 2018**

Radheshyam Kotai, son of Meluram, aged about 22 years, Caste Satnami, R/o Village Jogipur (Rahangi), Police Station Chakarbhatha, Tahsil & District Bilaspur (CG).
---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Chakarbhatha, District Bilaspur (CG).
---- Non-applicant

AND**MCRC No.8740 of 2018**

Dalla Gadauri, son of Lakhiram Gadauri, aged about 35 years, R/o Village Achanakpur Ward No.5, Nagar Panchayat Bodri, District Bilaspur (CG).
---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Chakarbhatha, District Bilaspur (CG).
---- Non-applicant

For Applicants : Mr. Yogeshwar Sharma, Advocate

For Non-applicant : Mr. Ashok Kumar Swarnakar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****30.11.2018**

1. Above mentioned two bail applications arise out of a common Crime No.07/2018 registered at Police Station Chakarbhatha, District Bilaspur for the offence punishable under Section 41(1-4) of CrPC and Section 379 of IPC, 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 on 15.10.2018. Head Constable Radhe Lal Dhruw posted at Police Station Chakarbhatha seized three mobiles from Applicant-Radheshyam Kotai and three mobiles from Applicant-Dalla Gadauri.
3. Counsel for the 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. 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.8728/2018 & M.Cr.C. No.8740/2018) are allowed.
6. It is directed that in case, each of the applicants i.e. Radheshyam Kotai and Dalla Gadauri 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.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-