

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8737 of 2018**

1. Uttam Pathari, son of Shri Amarnath, aged about 19 years, R/o Bankimongra, Korba, Tahsil Katghora, District Korba.
 2. Tapeswar, aged about 19 years, son of Matadin, R/o Bankimongra, Korba, Tahsil Katghora, District Korba.
- Applicants**

Versus

State of Chhattisgarh, through Station House Officer, P.S. Kotwali Korba, Civil and Revenue District Korba (CG).

---- Non-applicant

For Applicants	: Mr. Umesh Pandey, Advocate
For Non-applicant	: Mr. Ashok Kumar Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

30.11.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no other bail application are pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.797/2017 registered at Police Station Kotwali Korba, Civil and Revenue District Korba for the offence punishable under Sections 392/34 of Indian Penal Code.
3. Case of the prosecution, in brief is that on 16.12.2017 at about 7:35 pm the complainant Satya Prakash Sahu was returning back from his office to CHB Chowk Korba at that time two unknown persons came there in Scooty vehicle without registration number and robbed one mobile from him and fled away. On the memorandum of Applicant No.1-Uttam Pathari, one mobile was seized from him. On the memorandum of Applicant No.2-Tapeswar one scooty vehicle was seized from him. The said complainant had identified the present applicants in T.I.P.
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. 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.
7. It is directed that if the applicants furnish one solvent surety for a sum of Rs.25,000/- each along with personal bond in the like sum of 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.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-