

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.8848 of 2018**

Dwarka @ Raju, S/o Paltan Verma, aged about 30 years, R/o Village Kolendra,
Police Station Dongargarh, District Rajnandgaon (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station
Chhuikhadan, District Rajnandgaon (CG) **---- Non-applicant**

AND**MCRC No.9097 of 2018**

Raju Bervanshi @ Ajay, son of Jai Prakash Bervanshi, aged about 24 years,
R/o Village Sutiya, Police Station and Tahsil Khairagarh, District Rajnandgaon.

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Chhuikhadan, District
Rajnandgaon (CG). **---- Non-applicant**

For Applicants : Mr. Abhishek Sharma and Mr. C.R. Sahu,
Advocates

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

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****01.12.2018**

1. Above mentioned two bail applications arise out of a common Crime No.157/2017 registered at Police Station Chhuikhadan, District Rajnandgaon for the offence punishable under Sections 457, 380, 34 of Indian Penal Code, 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 at intervening night of 1/2.7.2017 from the house of complainant Meena Wasnik at Bhulatola Chhuikhadan, two pairs of golden tops, 01 golden ring, 07 items of golden leaves (patti), 01 silver waist-chain, 01 pair of silver anklet and cash Rs.5,000/-, the total Rs.48,500/- have been stolen from her house by unknown persons.
3. Counsel for the respective 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. He further

submitted that one case under Sections 457, 380 of IPC have already been registered against the applicant-Dwarka @ Raju and no criminal antecedent reported against the applicant-Raju Bervanshi @ Ajay in police case diary.

5. On the memorandum of applicant-Dwarka @ Raju, one golden ring and one pair of silver anklet were seized from him.
6. On the memorandum of the applicant-Raju Bervanshi @ Ajay, 01 silver waist-chain was seized from him.
7. The aforesaid seized articles have been identified by the said complainant.
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 benefits of Section 439 of the CrPC to the applicants. Accordingly, the bail applications (M.Cr.C. No.8848/2018 & M.Cr.C. No.9097/2018) are allowed.
9. It is directed that in case, applicant- Dwarka @ Raju furnishes two solvent sureties each for a sum of Rs.25,000/- along with a personal bond in the sum of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail and applicant-Raju Bervanshi @ Ajay furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-