

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 8946 of 2018

1. Keshavraj S/o Suresh Sagar Aged About 19 Years R/o Anjor Makan Pandariya, Tahsil And P. S. Pandariya District Kabirdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh
2. Sanjay Kumar S/o Ghanshyam Pandey Aged About 24 Years R/o Bairangpara Pandariya, P. S. And Tahsil Pandariya, District Kabirdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Pandariya Kawardha, District Kabirdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

---- Non-applicant

For Applicants : Ms. Indira Tripathi, Advocate.

For Non-applicant : Shri Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

05.12.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 182/2018 registered at Police Station – Pandariya Kawardha, District Kabirdham (C.G.) for the offence punishable under Section 394, 34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that complainant Nagendra Prasad Tiwari was the driver of the truck bearing registration No. CG-04- HY 4027, complainant Pramod @ Pappu was the helper in that truck. On 24.09.2018, they were going to Rajnandgaon from Katni after loading lime. At about 11 pm ahead to Kapa barrier, three persons came by motorcycle. They stopped the truck, beaten the complainants, looted Rs. 5300/- cash from complainant Nagendra Prasad Tiwari and one mobile from complainant Pramod.
4. Learned counsel for the applicants submits that applicants have no criminal background. They are innocent and have been falsely implicated in the present case, therefore, they shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicants.
6. In the Test Identification Report applicants were identified. As per the MLC report complainants Nagendra and Pramod swelling were found on their body.
7. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, It is directed that if each applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs. 50,000/- to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-
 (Sharad Kumar Gupta)
JUDGE