

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.13 of 2019**

Virendra Kanwar, S/o Shri Bhawan Singh Kanwar, aged about 32 years, R/o Village Dondaro, Post & Thana Balko Nagar, District/Tahsil Korba (Father's name was wrongly mentioned in order sheet). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Balko Nagar, District Korba (CG).

---- Non-applicant**AND****MCRC No.216 of 2019**

1. Avinash Tripathi, S/o Shri Vimlesh Tripathi, aged about 25 years, R/o Qrt. No.769/A-3, Post & Thana Balko Nagar, District/Tahsil Korba (CG).
2. Avinash Mauraya, S/o Shri Shushil Chandra, aged about 25 years, R/o Sec.05, Post & Thana Balko Nagar, District/Tahsil Korba (CG).

---- Applicants**Versus**

State of Chhattisgarh, through Police Station Balko Nagar, District Korba (CG).

---- Non-applicant

For Applicants : Mr. Samir Singh, Advocate
 For Non-applicant : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****23.01.2019**

1. Above mentioned two bail applications arise out of a common Crime No.539/2018 registered at Police Station Balko Nagar, District Korba for the offence punishable under Sections 341, 294, 323, 327/34 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 the complainant Abdula Anshari is a driver of trailer bearing registration No.C.G.10A.P.5110. On 08.12.2018 at about 11:30 p.m., he was going from Gevra mine to Balko Plant to unload the coals, when he reached near the village Parsabhata Road Balkonagar, the applicants stopped his trailer and demanded Rs.5,000/-. They abused him and

beat him by hands and fists. They have also destructed the said trailer by stones.

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 submitted that one case of similar nature has already been registered against the applicants.
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.13/2019 & M.Cr.C. No.216/2019) are allowed.
6. It is directed that in case, each of the applicants i.e. Virendra Kanwar, Avinash Tripathi and Avinash Mauraya furnish two solvent sureties 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 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 and they shall not commit such type of offence in future.
7. Certified copy as per rules.

L/-

Sd/-
(Sharad Kumar Gupta)
JUDGE