

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 448 of 2019

- Tarachand Sahu S/o Ghanshyam Sahu Aged About 23 Years Caste Teli, R/o Village Loharidipa, Police Station Saraipali, District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Saraipali, District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

MCRC No. 601 of 2019

1. Kamlakant Sahu S/o Kamlesh Chourasiya Aged About 26 Years Caste - Muslim, R/o Village Lambar Police Station - Saraipali, Tahsil - Basna, District - Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh
2. Salman Khan S/o Nawab Khan Aged About 26 Years Caste - Muslim, R/o Village Lambar Police Station - Saraipali, Tahsil - Basna, District - Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Saraipali, District - Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicants	: Shri Vikash Pradhan, Advocate.
For Non-applicant	: Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

06.02.2019

1. Since both the petitions arise from same crime No., these bail petitions are being disposed off simultaneously.
2. These are 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.
3. Perused the case diary provided by the learned counsel for the State in connection with crime No. 461/2018 registered at Police Station – Saraipali, District - Mahasamund, (C.G.) for the offence punishable under Section 294, 506, 427, 384, 34 of the IPC against applicant – Tarachand and Section 294, 323, 341, 506, 427, 384, 34 of the IPC against applicants – Kamlakant Sahu and Salman Khan.
4. Case of the prosecution, in brief is that complainant Sitakant Soi is the driver of a truck bearing registration No. OD05Z8117. On 18/12/2018 he was going from Balod Bazar to Bhuvneshwar to unload the cement. On 19/12/2018 at about 3:30 Am near village Sagarpali applicants stopped his truck, abused him, beat him, gave threats, demanded 6000 rupees, broken the glass of the truck and looted 1000 rupees from the cabin of the truck.
5. 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.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicants.

7. As per the certified copy of the order of the Additional Sessions Judge Saraipali dated 24/12/2018 matter has been compromised between the applicants and complainants.
8. 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 one solvent surety for a sum of Rs.25,000/- each along with a personal bond of Rs. 25,000/- 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.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE