

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 310 of 2019**

1. Tuleshwar @ Lallu Verma S/o Laxminarayan Verma Aged About 19 Years,

2. Yugal @ Paklu Sahu S/o Ambalal Sahu Aged About 19 Years,

Both are R/o Village Nara Police Station Mandir Hassaud, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

3. Bhupendra @ Paklu S/o Satyanarayan Sahu Aged About 19 Years R/o Tulsi, Baradera, Police Station Mandir Hassaud, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Mandir Hassaud, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh .

---- Respondent

For the Applicants	:	Ms. Sunita Sahu, Advocate
For the State	:	Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

01/02/2019

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.294/2018 registered at Police Station Mandir Hassaud, District Raipur (C.G.) for the offence punishable under Section 457, 380, 34 of IPC.
3. Case of the prosecution, in brief is that complainant Ramnath Sahu is the Manager of Bhairvi Bhawani Temple situated in village Nara. In the intervening night of 19.09.2018 and 20.09.2018 some unknown persons stolen Rs.30,000/- from the donation box. From the memorandum of applicant No. 2 Yugal @ Paklu Sahu Rs.500/- had been seized from him. On the memorandum of applicant No. 1 Tuleshwar @ Lallu Verma Rs.500/- had been seized from him and also Rs. 800/- had been seized from applicant No. 3 Bhupendra @ Paklu.
4. There is no such material on strength of which it can be said that seized cash are the same which were stolen.
5. It appears that Sessions Judge, Raipur was unnecessarily impressed from the complicity which was described in the memorandum which is not admissible in the evidence.
6. Learned counsel for the applicants submits that they are innocent and falsely implicated in the present case, therefore, they shall be released

on bail.

7. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicants.
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 the applicants furnish one solvent surety for a sum of Rs. 25,000/- each along with a personal bond for a sum of Rs. 25,000/- to the satisfaction of the concerned 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 cooperate during the trial, they shall be released on bail.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde