

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 343 of 2019**

1. Prem Mallah S/o Raju Mallah Aged About 25 Years R/o Maniway Ring Road, Near Tajuddin Baba Dargah, Nagpur, Maharastra., District : Nagpur, Maharashtra
2. Govind Rathore S/o Munshilal Rathore Aged About 20 Years R/o Tedhi Bagiya, Police Station Edmadta, District Agra, Uttar Pradesh. Mobile. 9422822460, District : Agra, Uttar Pradesh

---- Applicants**Versus**

State Of Chhattisgahr Through Station House Officer P. S. Khamtari,
District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri S.K. Guha, Advocate
For the State	:	Ms. Sangeeta Mishra, Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****04/02/2019**

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.511/2016 registered at Police Station Khamtarai, District Raipur (C.G.) for the offence punishable under Section 420/34 of IPC.
3. Case of the prosecution, in brief is that on 13/11/2016 between 12.30 to 01.00 p.m. at Shivanand Nagar, Raipur, two unknown persons have dishonestly received two golden bangles, one golden locket and cheated B. Meenakshi. On the memorandum of applicant No. 1 Prem Mallah one golden chain was seized from him, on memorandum of applicant No. 2 Govind Rathore one pair silver articles were seized from him.
4. On Test Identification Parade complainant identified both the applicants.
5. Learned counsel for the applicants submits that they are innocent and falsely implicated in the present case, therefore, they shall be released on bail.

6. On the other hand, counsel for the State opposes the bail application. She further submits that applicants are habitual offender and number of cases have been registered against them.
7. Though the Govt. Advocate is failed to say how many cases have been registered 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 furnishes two solvent sureties for a sum of Rs. 25,000/- each along with a personal bond of Rs. 50,000/- each to the satisfaction of the concerned Court with the condition that they shall not involve such type of crime in future, they shall be released on bail.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde