

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 545 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 @ Paplu S/o Satyanarayan Sahu Aged About 19 Years R/o Village 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	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

08/02/2019

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.338/2018 registered at Police Station Mandir Hassaud, District Raipur (C.G.) for the offence punishable under Sections 457, 380, 34 of IPC.
3. Case of the prosecution, in brief is that complainant runs a grocery shop at Village Kukra. In the intervening night of 10.10.2018 and 11.10.2018 some unknown persons stolen cash of Rs.25,000/- and Adhar Card from the said shop of complainant. On the memorandum of applicant No. 1 Tuleshwar @ Lallu Verma Rs.600/- was seized from him, on the memorandum of applicant No. 2 Yugal @ Paklu Sahu Rs.700/- was seized from him and on the memorandum of applicant No. 3 Bhupendra @ Paplu Rs.700/- was seized from him.
4. *Prima facie* there is no material available on the record which indicate that seized cash are the same which were stolen.
5. 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 on applicants No. 1 Tuleshwar @ Lallu Verma and applicant No. 2 Yugal @ Paklu Sahu no criminal antecedents against the them, however, some antecedent is reported against the applicant

No. 3 Bhupendra @ Paplu but she is not in a position to show how many cases are registered against applicant No.3.

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 the applicants furnishes one solvent surety for a sum of Rs. 25,000/- each along with a personal bond of Rs.25,000/- each 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde