

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.913 of 2019**

Tikeshwar Nirala, son of Udhoram Nirala, aged about 23 years, R/o Village Ranpota, Police Station Hassaud, District Janjgir Champa(CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Hasaud, District Janjgir Champa (CG).

---- Non-applicant**AND****MCRC No.1276 of 2019**

Rahul Sahu, S/o Maniram Sahu, aged about 21 years, R/o Village Ranpota, P.S. Hasoud, District Janjgir Champa (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Hasoud, District Janjgir Champa (CG).

---- Non-applicant

For Applicants : Mr. Sangeet Kumar Kushwaha & Mr. F.S. Khare, Advocates
For Non-applicant : Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****20.02.2019**

1. Above mentioned two bail applications arise out of a common Crime No.18/2019 registered at Police Station Hasoud, District Janjgir Champa for the offence punishable under Sections 341, 392, 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 Manoj Kumar Verma, who is a driver of vehicle bearing registration No.C.G.04-LC-7058 was transporting iron rod from Kasdol to Raigarh. On 20.01.2019 at about 4:00 a.m. near the village Ranpota, the applicants came there in Bolero vehicle bearing Registration No.C.G.11-BB-1530 and stopped the said complainant's vehicle and told that they are police men and looted Rs.400/- and Adhar Card from the said complainant.
3. Counsel for the respective 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 bail application. However, he submitted that there is no criminal antecedent is reported against the applicants in police case diary.
5. As per true copy of the application (Annexure A/2), which is a part of bail application, the said complainant has written that he does not want to take any legal action against the applicants.
6. 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.913/2019 & M.Cr.C. No.1276/2019) are allowed.
7. It is directed that in case, each of the applicants namely Tikeshwar Nirala and Rahul Sahu furnish one solvent surety for a sum of Rs.25,000/- each along with a personal bond in the like sum 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 any such type of offence in future.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-