

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1316 of 2019**

1. Vedprakash, aged about 19 years, Son of Jethuram Sahu.
 2. Poonam Sahu, aged about 20 years, D/o late Sarju Ram Sahu.
 3. Khoman Vishwakarma, aged about 19 years, S/o late Santu Vishwakarma.
- All are resident of Abhanpur, Tahsil & Police Station Abhanpur, District Raipur (CG). **---- Applicants**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Abhanpur, District Raipur (CG). **---- Non-applicant**

For Applicants	: Mr. D.N. Prajapati, Advocate.
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

12.03.2019

1. This is 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.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.296/2018 registered at Police Station Abhanpur, District Raipur for the offence punishable under Sections 392 & 394 of Indian Penal Code.
3. Case of the prosecution, in brief is that complainant Krishna Nishad was going from Bhanpuri to Dhamtari by his vehicle Tata Megha Axle registration No.C.G.04MJ 0269 to deliver the Wi-Fi tower, complainants Bitu @ Vikash Singh Thakur and Umesh Kumar Sahu were accompanied to him in the intervening night of 04/05.10.2018 near village Buroda, 05 persons beat them. They looted from complainant Krishna Nishad, his ATM card, one mobile of Vivo Company, jack of vehicle and Rs.3500/-. They also looted from complainant Bitu @ Vikas Singh Thakur, one mobile of Samsung company and Rs.200/-. They also looted from complainant Umesh Kumar Sahu, one mobile of Micromax company and Rs.300/-. During test identification parade, complainant Krishna Nishad had identified the present applicants and co-accused.
4. Counsel for the applicants submits that the applicants have not committed any offences. They are innocent and have been falsely implicated in the present case, therefore, they may be released on bail.
5. On the other hand, counsel for the State opposes the bail application,

however, he submits that no criminal antecedent of the applicants is reported in police case diary.

6. Looking to the above mentioned facts and circumstances of the case and 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 benefit of Section 439 of the Cr.P.C. to the applicants. Accordingly, the bail application is allowed.

7. It is directed that if the applicants furnish 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 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 involve any such type of crime in future.

8. Certified copy as per rules.

SD/-

(Sharad Kumar Gupta)

JUDGE

L/-