

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**MCRC No. 1380 of 2019**

1. Shakir Mohammad S/o Shakil Mohammad Aged About 27 Years Occupation Labour, R/o Village Kui, Police Station Kukdur, Tahsil Pandariya, District Kabirdham Chhattisgarh
2. Rajesh Kumbhkar S/o Ramesh Kumbhkar Aged About 25 Years Occupation Labours, R/o Village Amalitola (Badna), Police Station Kukdur, Tahsil Pandariya District Kabirdham Chhattisgarh
3. Mohit @ Moti Sakat (Sagar) S/o Tilakram Aged About 22 Years Occupation Labours, R/o Village Amalitola (Badna), Police Station Kukdur, Tahsil Pandariya District Kabirdham Chhattisgarh
4. Hemant Kumbhkar S/o Suresh Kumbhkar Aged About 22 Years Occupation Labours, R/o Village Amalitola (Badna), Police Station Kukdur, Tahsil Pandariya District Kabirdham Chhattisgarh

---- Applicants

**Versus**

- State Of Chhattisgarh Through District Magistrate, Kawardha, District Kabirdham Chhattisgarh

---- Non Applicant

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For the Applicants : Shri Dharmesh Shrivastava, Advocate

For Non Applicant : Ms. M. Asha, Panel Lawyer

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**Hon'ble Shri Justice Sharad Kumar Gupta**

**Order On Board**

**05.04.2019**

1. At the outset counsel for the applicant No.1 Shakir Mohammad submitted that he wants to withdraw his bail application thus bail application of applicant No.1 Shakir Mohammad is dismissed as withdrawn without considering the merits of the case.
2. Now the bail petition will continue only regarding applicant No.2 Rajesh Kumbhkar, applicant No.3 Mohit @ Moti Sakat (Sagar) and applicant No.4 Hemant Kumbhkar.
3. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court. No other bail application is pending before any other Court.
4. Earlier, the first bail application of the applicants was dismissed as withdrawn on 31.01.2019 by this Court in MCRC No.272 of 2019.
5. Perused the case diary provided by the learned counsel for the State in connection with Crime No.76/2018 registered at Police Station-Kukdur, District- Kabirdham (C.G.) for the offence punishable under Sections 395 of Indian Penal Code.
6. Case of the prosecution, in brief is that complainant Faguram Merawi resides in village Rukhamidadar. On 15.09.2018 at about 11:10 hours, 6 masked persons entered in his house, showed him knife, gave threatening to kill him and looted some silver ornaments from him. During the test identification parade complainant identified the applicants Nos.2,3 and 4 and coaccused Shakir Mohammad, Sobharam.
7. Learned counsel for the applicants submits that applicants have no criminal background, they are innocent and have been falsely implicated in the present case, therefore, they shall be released on bail.
8. On the other hand, learned counsel for the State submits that no antecedent has been reported against the applicant Nos. 2,3 and 4.
9. 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 ordered that if applicant Nos. 2,3 and 4 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 not commit similar type of offence in future, they will 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.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)  
Judge