

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1478 of 2019**

1. Shiv Shankar Sarthi, son of Ram Lal Sarthi, aged about 22 years.
 2. Dilesh Chouhan (wrongly written as Dinesh), son of Mangal Ram Chouhan, aged about 21 years.
- Both are resident of Motisagar Para, Korba, P.S. Kotwali Korba, District Korba (CG).

---- Applicants**Versus**

State of Chhattisgarh Through District Magistrate Korba (Police Station Kotwali, Korba), District Korba (CG).

---- Non-applicant

For Applicants : Mr. Basant Kaiwartya, Advocate.

For Non-applicant : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

14.03.2019

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.34/2019 registered at Police Station Kotwali Korba, District Korba for the offence punishable under Sections 394, 34 of IPC.
3. Case of the prosecution, in brief is that on 17.01.2019 at about 13:40 hrs., the complainant Chandra Shekhar Singh sat on his motorcycle near Ramavatar Petrol Pump, Dariroad, three unknown persons reached there by Activa, they slapped him and snatched one mobile set of Micromax company from his pocket. During the test identification parade, the said complainant has identified the present applicants and other co-accused.
4. Counsel for the applicants submits that the applicants have not committed any offence. 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, the bail application is allowed. It is ordered 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.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE