

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 2576 of 2019

1. Umer Aalam S/o Yusuf Aalam Aged About 22 Years R/o House No. 4928 B/30 C, Gali No. 4c, Old Silampur, Gandhinagar, East Delhi, Present Address House Of Kanu, B.T.I. Chowk, Patthalgaon, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh
2. Aasif Nasir S/o Nasir Aged About 35 Years R/o Kalawada Police Station- Khatouli, District- Mujaffarnagar, Uttar Pradesh, Present Address House Of Kanu, B.T.I. Chowk, Patthalgaon, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station- Chhal, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Govind Dewangan, Advocate.
For Non-applicant	: Mr. Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

30.04.2019

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 learned counsel for the State in connection with crime No. 58/2019 registered at Police Station – Chhal District – Raigarh (C.G.) for the offence punishable under Sections 457, 380, 511/34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that in the intervening night of 25.03.2019 and 26.03.2019 some unknown persons entered in the shelter room of Airtel Tower situated at Tarekela and made an attempt of theft. On the memorandum of the applicant No. 1 Umer Aalam one cutter, one screw driver were seized from him. On the memorandum of applicant No.2 Aasif Nasir @ Padma one saw blade was seized from him.
4. 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.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent 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, It is directed that if each applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
7. Certified copy as per rules.

Sd/-
 (Sharad Kumar Gupta)
JUDGE