

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.2787 of 2019**

Dinesh Kumar Rathore, S/o Shanti Lal Rathore, aged about 28 years, R/o Parsabhatha, Balco Nagar, Tahsil and District Korba (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Collector, Korba, District Korba (CG).

---- Non-applicant

For Applicant : Mr. Anil Gulati, Advocate.

For Non-applicant : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****08.05.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.05/2019 registered in Police Station Balco Nagar, Korba, District Korba for the offence punishable under Section 394 read with 34 of Indian Penal Code.
3. Prosecution story in brief is that on 04.01.2019 at about 2:15 hrs at RKTC Camp, Roomgarha, Main Road, three unknown persons beat complainant Irfan Ansari by hands and fists. They looted one mobile of Vivo company, cash Rs.24,000/- and a driving license from him. During test identification parade, the said complainant identified the applicant.
4. Counsel for the applicant submitted that the applicant is an innocent and has been falsely implicated in the present case hence he may be released on bail.
5. Counsel for the State opposed the bail application. She further submitted that previously no criminal antecedent is reported against the applicant in police case diary.
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 applicant. Consequently, the bail application is allowed.
7. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- along with a personal bond in the sum of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail and he shall not commit any such type of crime in future.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-