

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4678 of 2019**

1. Shiva, S/o Faguram, aged about 32 years, Caste Satnami.
2. Daulatram, S/o Faguram, aged about 38 years, Caste Satnami.

Both are resident of Village Kabratola, Police Station and Tahil Lormi, District (Revenue and Civil) Mungeli (CG).

---- Applicants**Versus**

State of Chhattisgarh, through Police Station Lormi, District (Revenue & Civil) Mungeli (CG).

---- Non-applicant

For Applicants : Mr. Sumit Jhawar, Advocate.
For Non-applicant : Mr. Praveen Shrivastava, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****06.09.2019**

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.258/2019 registered at Police Station Lormi, District (Revenue and Civil) Mungeli for the offence punishable under Section 436 of Indian Penal Code.
3. Case of the prosecution, in brief is that complainant Hirabai is a resident of village Kabratola. On 05.06.2019 in the night, the applicants entered in her house and set fire on her house. They caused damages of Rs.25,000/- of the said complainant.

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 is reported 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; 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 one solvent surety for a sum of Rs.25,000/- each along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that they shall appear before the concerned 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.

8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-