

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3624 of 2018**

- Man Singh Khunte @ Munna S/o Bramhanand Khunte Aged About 19 Years Caste- Satnami, R/o- Village- Kaudiya, Police Station- Dabhara, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station- Sakti, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant**And****MCRC No. 5864 of 2018**

- Suraj Bharti S/o Yadram Bharti Aged About 38 Years Caste- Satnami, R/o- Village Chotekot, Police Station Malkharauda And District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through- District Magistrate, District- Janjgir-Champa, Chhattisgarh Through- Police Station- Sakti, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant**And****MCRC No. 6294 of 2018**

- Tushar Singh S/o Dhanesh Kumar Singh Aged About 18 Years By Caste- Rajput, R/o Village Dongiya, Police Station Sakti, District Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Sakti, District Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant**And****MCRC No. 7013 of 2018**

- Mujaffar Khan @ Kallu S/o Sattar Khan Aged About 28 Years R/o New

Chandniyapara, Janjgir, Police Station And Tahsil- Janjgir, District- Janjgir-
Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Sakti,
District- Janjgir- Champa, Chhattisgarh., District : Janjgir-Champa,
Chhattisgarh

---- Non-applicant

For Applicants	: Shri Manoj Mishra on behalf of Shri K.K. Singh, Shri Deepak Kumar Singh, Shri Hanuman Prasad Agrawal, Shri Nitansh Kumar Jaiswal, Advocates.
For Non-applicant	: Shri Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

07.01.2019

1. Since all the four petitions arise from same crime No., these bail petitions are being disposed off simultaneously.
2. Counsel for the applicant- Mujaffar Khan submits that he does not want to press the bail petition.
3. Accordingly, MCRC No. 7013/2018 is dismissed without considering the merits of the case.
4. These are first bail applications 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.
5. Perused the case diary provided by the learned counsel for the State in connection with crime No. 192/2018 registered at Police Station – Sakti, District- Janjgir- Champa (C.G.) for the offence punishable under Section 397 IPC, 25 and 27 of Arms Act.
6. Case of the prosecution, in brief is that in the intervening night of 29/30-03.2018 at about 2 am at village Portha six persons entered in the house of

the complainant Sanjay Agrawal. Out of six, five persons were masked. One person pointed pistol on the head of the said complainant. Remaining five persons demanded money and pressed the mouth of his uncle Mukesh. Hearing the sound, his father came and gave Rs. 1,50,000/- to them.

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 opposes the bail application, however, submits that there is no antecedent against the applicants.
9. On the memorandum of applicant – Man Singh Khunte @ Munna one knife, Rs. 5000/- have been seized from him. On the memorandum of applicant – Suraj Bharti Rs. 200/- have been seized from him. On the memorandum of applicant – Tushan Singh Rs. 1600/- have been seized from him. In TIP complainant has not identified any of the applicants.
10. Looking to the facts and circumstances of the case, looking to the prima facie evidence collected against the applicants – Man Singh Khunte @ Munna, Suraj Bharti, Tushar Singh this Court is inclined to give benefit of Section 439 Cr.P.C. to them.
11. Accordingly, It is directed that if each applicant among applicants – Man Singh Khunte @ Munna, Suraj Bharti, Tushar Singh furnishes one solvent surety for a sum of Rs.25,000/- each along with a personal bond of Rs. 25,000/- 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.
12. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE