

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.8267 of 2018**

Durga @ Tularam Mahanti, S/o Shatrughan Mahanti, aged about 30 years, R/o village Pipalkhunta, Police Station Amlipadar, District Gariyaband (CG).
---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Amlipadar, District Gariyaband (CG).
---- Non-applicant

AND**MCRC No.7679 of 2018**

Dirjo Ram Markam, S/o Barno Ram Markam, aged about 27 years, R/o Village Pipalkhunta, Police Station Amlipadar, District Gariyaband (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Amlipadar, District Gariyaband (CG).
---- Non-applicant

For Applicants : Ms. Swati Upadhyay, Advocate
 For Non-applicant : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****02.01.2019**

1. Above mentioned two bail applications arise out of a common Crime No.39/2018 registered at Police Station Amlipadar, District Gariyaband for the offence punishable under Sections 386, 34 of Indian Penal Code, therefore, they are being heard analogously and decided by this common order. All the two are first bail applications filed under Section 439 of the CrPC.
2. Prosecution story in brief is that applicant-Durga @ Tularam Mahanti wrote a letter to the complainant Shri Goverdhan Manjhi, the then M.L.A in the name of Naxalite Leader Lalita Jani and demanded Rs.2,00,000/- and one touch screen mobile from him and also gave threatening to kill him if he will not provide the same to him. Applicant-Dirjo Ram Markam knowingly the facts of the letters and went in the house of Bhikram Markam to give the said letter to Shri Goverdhan Manjhi.
3. Counsel for the applicants submitted that the applicants are innocent and have been falsely implicated in the present case hence they may be

released on bail.

4. Counsel for the State opposed the prayer for grant of bail. However, he submits that no criminal antecedent reported against the applicants in police case diary.
5. 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 applicants. Accordingly, the bail applications (M.Cr.C. No.8267/2018 & M.Cr.C. No.7679/2018) are allowed.
6. It is directed that in case, each of the applicants i.e. Durga @ Tularam Mahanti and Dirjo Ram Markam 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 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.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-