

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8819 of 2018**

1. Rajendra Kumar Yadav, aged about 19 years, son of Shriram Yadav.
 2. Bharatlal Satnami, aged about 20 years, son of Shankar Lal Satnami.
- Both are resident of village Nawapara Khurd, Police Station Sakti , District Janjgir Champa (CG). **---- Applicants**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Sakti, District Janjgir Champa (CG). **---- Non-applicant**

For Applicants	: Mr. K.K. Pandey, Advocate.
For Non-applicant	: Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

03.01.2019

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.428/2018 registered at Police Station Sakti, District Janjgir Champa for the offence punishable under Sections 457, 380, 34 of Indian Penal Code.
3. Case of the prosecution, in brief is that in the intervening night of 26/27.07.2018 at village Nawaparakhurd from the house of the complainant Prakash Singh Thakur, some unknown persons have stolen Rs.1,00,000/- cash, 04 golden rings, 04 silver rings, 04 artificial brass bangles, 01 Almirah, 01 gun and 01 battleaxe by breaking the lock of his house. On the memorandum of applicant No.1-Rajendra Kumar Yadav, 01 golden ring, some silver rings, 01 silver locket (Tabeez), 01 silver small coins, Cash Rs.29,200/- were seized from him. On the memorandum of applicant No.2-Bharatlal Satnami, some brass bangles, Rs.10,000/- cash were seized from him.
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 prayer for grant of bail to the applicants. However, he submits that no criminal antecedent reported against the applicants in police case diary.

6. Offences are triable by JMFC.
7. 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.
8. 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 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.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-