

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.9015 of 2018**

Amrit, S/o Baliram, aged about 52 years, R/o Village Barekel Khurd, P.S. And
Tahsil Pithora, District Mahasamund (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Pithora, District Mahasamund
(CG). **---- Non-applicant**

AND**MCRC No.9096 of 2018**

1. Umendra Kumar Sahu, son of Chaituram Sahu, aged about 35 years.
2. Rathram Sahu, son of Ichchharam Sahu, aged about 38 years.

Both are resident of Village Nayapara Khurd, Police Station & Tahsil Pithora,
District Mahasamund (CG).

3. Rajkumar son of Shambhulal Thakur, aged about 25 years, Caste Gond,
Resident of Village Atharahgudi, Police Station & Tahsil Pithora, District
Mahasamund (CG). **---- Applicants**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Pithora,
District Mahasamund (CG). **---- Non-applicant**

For Applicants : Mr. Manoj Paranjpe & Mr. Vikash Pradhan, Advocates
For Non-applicant : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****04.01.2019**

1. Above mentioned two bail applications arise out of a common Crime No.211/2018 registered at Police Station Pithora, District Mahasamund for the offence punishable under Section 370, 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 Funnu Seth @ Laxminarayan Agrawal is a labour contractor. He gave a sum of Rs.35,000/- as advance to the labours to go to Uttar Pradesh for manufacturing brick in Kiln (Ita Bhatti). He has also assured them that they shall get more wages there. He sent some vehicles to transport labours to Uttar Pradesh. One Sumo Vehicle bearing registration No.C.G.04H.A.7830, the driver of the said vehicle was Applicant No.3-

Rajkumar Thakur. One Bolero vehicle bearing registration No.C.G. 06G.K.4627, the driver of the said vehicle was Applicant No.2-Rathram Sahu and another Toofan Tractor bearing registration No.C.G.06 G.K.3242, the driver of the said vehicle was Applicant No.1-Umendra Kumar Sahu and conductor was applicant-Amrit. When they were going to Uttar Pradesh for manufacturing the brick, on the way, the police authorities stopped them.

3. Counsel for the applicants respectively 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 to the applicants however he submitted that no criminal antecedent reported against the applicants in police case diary.
5. As per the true copy of the statements of Chaman, Golu, Suklu and Raju recorded under Section 164 of CrPC, no advance was given to them by anybody and they were not being taken by anybody for manufacturing brick in Kiln and they were going voluntarily for doing work in Kiln (Ita Bhatti).
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 applicants. Accordingly, the bail applications (M.Cr.C. No.9015/2018 & M.Cr.C. No.9096/2018) are allowed.
7. It is directed that in case, each of the applicants i.e. Amrit, Umendra Kumar Sahu, Rathram Sahu and Rajkumar Thakur 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.
8. Certified copy as per rules.

SD/-

(Sharad Kumar Gupta)
JUDGE

L/-