

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9151 of 2018**

1. Gopal Gond, aged about 19 years, son of Shri Maniram Gond, R/o Sukli, P.S. and Tahsil Janjgir, District Janjgir Champa (CG).
2. Ramkumar, aged about 19 years, son of Shri Laxman, Caste Gond, R/o Munund, P.S. and Tahsil Janjgir, District Janjgir Champa (CG).
3. Mahesh Ram Gond, Aged about 21 years, son of Shri Samaru Gond, Caste Gond, R/o Village Semra, P.S. Nawagarh, District Janjgir Champa (CG).

---- Applicants**Versus**

State of Chhattisgarh, through District Magistrate, Janjgir-Champa, through Police Station Janjgir, District Janjgir Champa (CG).

---- Non-applicant

For Applicants	: Mr. Pushpendra Kumar Patel, Advocate.
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

21.01.2019

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.532/2018 registered at Police Station Janjgir, District Janjgir Champa for the offence punishable under Sections 457, 380, 411/34 of Indian Penal Code.
3. Case of the prosecution, in brief is that in the intervening night of 29.08.2018/30.08.2018 at village Khokhara, Mankadai Mandir complex from the mobile shop of complainant Pawan Kumar Dewangan, 5-6 sets were of micromax mobiles, memory cards, headphone, writs watch were stolen by some unknown persons. On the memorandum of applicant No.1-Gopal Gond, one mobile was of Intex company, one mobile was of Zio company, one golden wrist watch, one mobile was of Samsung company were seized from him. On the memorandum of applicant No.2-Ramkumar, one mobile was of Samsung company, one mobile was of Micromax company and one headphone were seized from him. On the memorandum of applicant No.3-Mahesh Ram Gond, one mobile was of AMI company and one mobile was of

LYF company 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 submitted that four criminal cases of similar nature have already been registered against the applicants hence the applicants are not entitled for grant of bail.
6. Though four criminal cases of similar nature have already been registered against the applicants, but looking to above mentioned facts and circumstances of the case, *prima facie* looking to the evidence available on record against the applicants, 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 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/-