

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 9524 of 2018

1. Chadra Ajay Khadiya S/o Budhra Khadiya Aged About 31 Years R/o Kulaveera Pathantoli, Police Station And District- Gumla, Jharkhand., District : Gumla, Jharkhand
2. Kapil Lohara S/o Mahli Lohara Aged About 38 Years R/o Kulaveera Pathantoli, Police Station And District- Gumla, Jharkhand., District : Gumla, Jharkhand

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station- Jashpur, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Non-applicant

For Applicants : Shri D. Minz, Advocate.

For Non-applicant : Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board11.01.2019

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 learned counsel for the State in connection with crime No. 222/2018 registered at Police Station- Jashpur, District- Jashpur (C.G.) for the offence punishable under Sections 363, 365, 370, 366A, 368, 371, 34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that applicants and one coaccused Ganesh Munda were taking the complainants Kumari Durga and Kalawati Turi to Delhi by enticing. Complainant Kalawati Turi returned back from Gumla. Applicant No. 2 Kapil Lohara deputed complainant Durga in Delhi for domestic work. Against the applicants non-bailable warrant were issued on 24.12.2018. On the execution of the non-bailable warrants applicants were arrested and now they are in custody. Coaccused Ganesh

Munda has been acquitted by the trial Court.

4. Learned counsel for the applicants submits that the applicants have no criminal background. They are innocent and have been falsely implicated in the present case, therefore, they shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
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, It is directed that if each applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs. 50,000/- to the satisfaction of the concerned Trial Court with the condition that he will not involve in any crime in future, he will not leave district Jashpur without obtaining prior permission from the concerned trial Court, 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.
7. At this stage counsel for the applicants submitted that crime No. 222/2009 has been wrongly mentioned as 222/2018.
8. This may be deemed that this order has been passed in Crime No. 222/2009.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE