

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 123 of 2019**

1. Amit Kumar Chaturvedi, S/o Jaiprakash Chaturvedi, aged about 28 years, R/o Behind B.T.I. Chowk, Janjgir.
 2. Nitin Saarve, S/o Shri Kiran Das Saarve, aged about 26 years, R/o Near I.B. Rest House Janjgir, P.S. & Tahsil Janjgir, District Janjgir Champa (CG).
- Applicants**

Versus

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

---- Non-applicant

For Applicants	: Mr. Hanuman Prasad Agrawal, Advocate.
For Non-applicant	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

29.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no other bail applications are pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with crime No.707/2018 registered at Police Station Janjgir, District Janjgir Champa for the offence punishable under Sections 394, 34 of Indian Penal Code.
3. Case of the prosecution, in brief is that on 11.11.2018 at about 8:30 p.m., the complainant Ram Kishore Rathore was going towards his house on the way the applicants, who were in the motorcycle bearing registration No.C.G.-1/C.H.8044 met him. The applicants abused him, beat him and looted one Readme mobile being SIM No.7999971594, one purse containing I.Card of complainant and Rs.1200/- from him. From the applicant No.1-Amit Kumar Chaturvedi, one Readme mobile being same SIM number and one motorcycle being same registration number were seized. From the applicant No.2-Nitin Saarve, one purse containing I.Card of the said complainant was seized.
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 is reported against the applicants in police case diary.

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 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 two solvent sureties for a sum of Rs.25,000/- each along with a personal bond in the sum of Rs.50,000/- 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 and they will not involve any such type of crime in future.

8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-