

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 121 of 2019

1. Mohammad Rasel Shekh S/o Fakeer Ali Shekh Aged About 28 Years R/o Near Ajay Murgi Farm, Purani Basti, Supela, In The House Of Rajesh Bandhe, Bhilai, Revenue And Civil District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
2. Aakash Bandhe S/o Prakesh Bandhe Aged About 25 Years R/o Near Ajay Murgi Farm, Purani Basti, Supela, Bhilai, Revenue And Civil District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Chawni, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicants : Shri Yogesh Pandey, Advocate.

For Non-applicant : Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

31.01.2019

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. 786/2018 registered at Police Station – Chawni, District- Durg (C.G.) for the offence punishable under Sections 392, 341, 294, 506/34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 21.10.2018 complainant Jitendra Kumar Sahu was going to his house. At 00:30 hrs in front of Jawahar Market two unknown persons stopped the motorcycle, abused him, took his purse from back pocket of his full pant containing Rs. 3000/-, ID card of State Bar Council of Chhattisgarh, Driving License, Voter ID, RC Book, Redmi Mobile bearing IMEI Nos. 869781031550267 and 879781031550275. On the memorandum of Md. Rasel one mobile bearing same IMEI No. was seized from him. On the memorandum of Akash Bandhe Rs. 580/- were seized from him.
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 applicants.
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 the applicant-**Md. Rasel Shekh** 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 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 and if the applicant-**Aakash Bandhe** furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that 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. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE