

Mundu Khan @ Safique Khan And Ors Vs State Of Chhattisgarh

Court: Chhattisgarh High Court

Date of Decision: Feb. 14, 2019

Acts Referred: Indian Penal Code, 1860 " Section 407, 414
Code Of Criminal Procedure, 1973 " Section 439

Hon'ble Judges: Sharad Kumar Gupta, J

Bench: Single Bench

Advocate: Raghvendra Pradhan, Manoj Chouhan, M. Asha

Judgement

Sharad Kumar Gupta, J

1. Above mentioned two applications arise out of a common Crime No.109/2018 registered at Police Station Tapkara, District Jashpur for the offence

punishable under Sections 407 & 414 of IPC, therefore, they are being heard analogously and decided by this common order. Both the bail applications

are the first bail application filed under Section 439 of CrPC.

2. Case of the prosecution, in brief is that applicant Vijay Kumar Paikra was the driver of pickup No. C.G.14 ME 9023. The owner of the said vehicle

is Sonu Sahu. Applicant Vijay Kumar Paikra had delivered tomato to Ghanshyam Sahu at Chaibasa. He had received Rs.79,500/- from Ghanshyam

Sahu on behalf of Sonu Sahu. On 27/12/2018 he told complainant Sonu Sahu that to misappropriate the said amount, said amount has been kept in the

house of applicant Mundu Khan @ Shafique Khan. On the memorandum of applicant Vijay Kumar Paikra Rs.79,500/- were seized from the

possession of the applicant Mundu Khan @ Shafique Khan.

3. Learned counsel for the applicants submits that they are innocent and falsely implicated in the present case, therefore, they shall be released on bail.

4. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicants.

5. Looking to the 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 Vijay Kumar Paikra, 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 Court with the condition that he shall 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.

6. Looking to the 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 Mundu Khan @ Safique Khan 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 Court with the condition that he shall 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.