

**(2019) 02 CHH CK 0224**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case (MCRC) No. . 717, 1059 Of 2019

Mundu Khan @ Safique Khan

And Ors

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

**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.