

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.3328 of 2015**

1. Budharu S/o. Gangarasm Kewt, aged about 45 years,
2. Shiv Kumar S/o Budharu Kewat, aged about 21 years,

Both are R/o Village Ghodakhuri (Kosa), Police Station Mulmula, Tahsil Pamgarh, Civil and Revenue District-Janjgir-Champa (C.G.)

---Applicants**Versus**

State of Chhattisgarh Through : Station House Officer, Police Station-Mulumula, District Janjgir-Champa (C.G.)

---Non-applicant

For Applicants	:	Mr. I.S.Sahu, Advocate
For Non-applicant	:	Mr. Neeraj Pradhan, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****20/07/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.62 of 2015, registered at Police Station-Mulumula, Distt.Janjgir-Champa C.G.), for the offence punishable under Sections 342, 364(A)/34 of the IPC and Section 3 (2) (5) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.
2. Case of the prosecution, in brief, is that on 20.4.2015 the applicants have kidnapped and wrongfully confined complainant Dharmendra Kumar for ransom of Rs.50,000/- and thereby committed the aforesaid offence.
3. Learned counsel for the applicants would submit that the applicants

have not committed any offence and they have falsely been implicated in crime in question. It is difficult to kidnap the complainant, who is aged about 24 years. He has not made any hue and cry and has not protested the offence in question. He would further submit that the applicants are in jail since 20.4.2015 and charge-sheet has already been filed.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that complainant Dharendra Kuamr was recovered from the house of applicant No.1.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicants in offence in question and their pre-detention, this Court is of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicants **Budharu and Shiv Kumar** shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

