

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.4311 of 2015

Anand Sarthi, S/o Durjan Sarthi, aged about 25 years, R/o Kotarliya, Tahsil and District Raigarh (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Pussore, District Raigarh (C.G.)

---- Non-applicant

For Applicant: Mr. V.R. Tiwari, Advocate.

For Non-applicant: Mr. Suvigya Awasthi, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

25/08/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.52/2015, registered at Police Station Pussore, Distt. Raigarh, for the offence punishable under Sections 364A & 380 of the IPC.
2. Case of the prosecution, in brief, is that the applicant is said to have kidnapped his brother's son Jitesh Sarthi for the purpose of ransom and also stolen gold articles and ₹ 5,000 from the house of his brother Santram.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case, as there is dispute of land and property between the applicant and his brother, and his brother is in jail. Charge-sheet has been filed and in the instant case, the applicant is in jail since 12-4-2015.

4. On the other hand, learned State counsel opposes the application and submits that gold articles have been recovered from the possession of the applicant.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, further taking note of the fact that there is dispute of land and property between the applicant and his brother, the applicant is in jail since 12-4-2015, charge-sheet has been filed, no custodial interrogation of the applicant is required and keeping in view the nature of dispute between the parties, I am of the view that it is a fit case to grant regular bail to the applicant. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge