

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4586 of 2015**

Vijay John S/o Suresh Kumar John, aged about 32 years, 27 Kholi Chowk,
Jabbal Gali, Police Station: Civil Lines, Tahsil & Civil/Revenue Distt.Bilaspur,
Chhattisgarh

---Applicant

Versus

State of Chhattisgarh Through Police Station: Sarkanda, District: Bilaspur,
Chhattisgarh

---Non-applicant

For Applicant	:	Mr.Raj Kumal Singh, Advocate
For Non-applicant	:	Mr.S.R.J.Jaiswal, Panel Lawyer
For Objector	:	Mr.Sunil Otawani, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****08/09/2015**

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 applicant who has been arrested in connection with Crime No.195/2015, registered at Police Station- Sarkanda, District Bilaspur (C.G.), for the offence punishable under Sections 365, 328, 294 and 506 Part-II of the IPC.

2. Case of the prosecution, in brief, is that the applicant kidnapped complainant Cypirion Jacob on 7.1.2014 with intent to confine him secretly and wrongfully in order to extort the money and also abused and threatened him and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has been falsely been implicated in crime in question. He would further submit that the offence is said to have been committed on 7.1.2014, whereas the complainant has appeared before Police

Station Anuppur on 9.1.2014 and he has been handed by the police to his parents on 9.1.2014 and first time, report has been lodged on 7.8.2014 and on 6.9.2014 and there is no reasonable explanation for inordinate delay in lodging the F.I.R. He would also submit that two criminal complaints for an offence under Section 138 of the Negotiable Instruments Act, 1881 has been made by the applicant against the complainant, which have been registered on 18.6.2014 in the Court of Judicial Magistrate First Class, Bilaspur being Criminal Complaint Case Nos.4710 and 4711 of 2014 and summons has been issued against the complainant and thereafter, in order to falsely implicate the applicant, the complainant has filed Writ Petition (Cr.) No.101/2015 before this Court, which has been disposed by giving certain directions on the basis of decision of **Lalita Kumari's** case and on that basis, F.I.R. has been registered and the applicant has been arrested on 13.5.2015 and since then he is in jail. He contended that charge-sheet has already been filed, substantive investigation has already been completed and no useful purpose would be served by detaining him in jail, and therefore, he may be enlarged on bail.

4. On the other hand, learned counsels for the State and for the objector would oppose the bail application and submit that there is no delay in lodging the F.I.R. as report has been lodged on 7.8.2014 and as the complainant was seriously ill and when no action was taken, he has filed writ petition before this court, in which certain directions were given. Learned counsel for the objector would further submit that amount taken by the complainant has already been return to the applicant and therefore, the applicant is not entitled to be released on bail.

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; extent of delay in lodging the F.I.R. as the incident took place on 7.1.2014 and F.I.R. was lodged on 7.8.2014; two criminal cases are pending against the complainant since June, 2014; nature of dispute between the parties and pre-trial detention of the applicant, this Court is of the opinion that present is a fit case, in which, the applicant 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 applicant shall 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 trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-