

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4802 of 2015**

Chandraprakash Gupta S/o Late M.S. Gupta, aged about 44 years, R/o Village & Police Station – Niwadi, Civil and Revenue District – Tikamgarh, Madhya Pradesh

---Applicant

Versus

State of Chhattisgarh, Through – Station House Officer, Police Station-Sirgitti, District-Bilaspur (CG)

---Non-applicant

For Applicant	:	Mr.C.P.Lahre, Advocate
For Non-applicant	:	Mr.Anupam Dubey, Dy.Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

07/10/2015

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.309/2014, registered at Police Station-Sirgitti, District-Bilaspur (C.G.), for the offence punishable under Sections 366, 342, 368, 370, 506 and 376 of the IPC.

2. Case of the prosecution, in brief, is that the present applicant along with five other co-accused persons found involved in the offence of trafficking and also wrongfully confined the prosecutrix knowing fully well that she has been kidnapped 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 falsely been implicated in crime in question. Learned counsel would further submit that there is no allegation of rape against the present applicant, he is owner of the house in which he has given shelter to Sandeep Choursiya and Neeeraj Gupta. He was not aware as to whether Shanti Sahu has been brought after kidnapping. He is nowhere involved for the aforesaid offences with other co-accused persons. Learned counsel would also submit that charges under Sections 366, 342, 368 and 370 of the IPC have been framed

against the present applicant, however, he has been discharged from the charges under Sections 506 and 376 of the IPC vide order dated 1.10.2015. The applicant is in custody since 18.8.2015.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the present applicant is owner who has given shelter to other co-accused persons knowing fully well that the prosecutrix has been kidnapped.

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 applicant; role of other co-accused persons; no charge under Section 376 of the IPC has been framed against the present applicant; the present applicant is owner of the house stayed at Niwadi Tikamgarh, his pre-trial detention and the fact that that main allegation is against Sandeep Choursiya, Neeraj Gupta, Kailesh Pandey and Bablu Gupta and not against the present 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 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/-