

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4862 of 2015**

- Ishtak @ Nageshwar, S/o Majharu Ansari, aged about 35 years, Caste - Musalman, R/o. Village – Dodgaon, Tahsil – Manora, P.S. Jashpur (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through- Police Station Jashpur, District Jashpur (C.G.)

---- Non-applicant

For Applicant: Mr. S.C. Verma, Advocate.
For Respondent/State: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****22/09/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 103/2014 registered at Police Station Jashpur, District Jashpur for the offences punishable under Sections 387 & 506 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 5.5.2014 applicant threatened complainant – Vinod Jain and demanded ransom of Rs. 5,00,000/- and also threatened to kill after release from jail if the ransom is not given and also threatened the complainant to set fire to his crusher plant and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the offence in question as the applicant is languishing in jail for last eight years and, therefore, question of committing offence by the applicant does not arise and, as such, the State is in habit to make false case when he is acquitted in earlier instituted cases. He further submits that applicant is in jail since 30.06.2014 in this case and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that applicant is running Gang as Gangster/Naxally and he has demanded ransom of Rs. 5,00,000/- and also threatened the complainant that if the ransom is not given, he will kill him. He would further submit that 11 cases are registered against the applicant in Distt. Jashpur (C.G.) whereas 7-8 case are registered against him in Gumla, (Bihar) and, therefore, the applicant is not entitled to be released on bail.

(5) I have heard counsel for the parties and perused the case diary with utmost circumspection.

(6) Taking into consideration the facts & circumstances of the case; looking to the nature & gravity of offence; nature of allegations, evidence collected by the prosecution and the severity of punishment prescribed for the aforesaid offences; taking note of the criminal antecedents of the applicant; I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge

