

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 5088 OF 2015**

Narendra Goswami, son of Shri Baldev Goswami, aged 20 years, R/o Achanakpur, P.S. Chakarbhata, Tahsil Bilha, District Bilaspur (C.G.)

---Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Police Station Chakarbhata, Dist. Bilaspur (C.G.)

---Non-applicant

For Applicant	:	Mr. Devesh Chandra Verma, Advocate
For Non-applicant/State	:	Mr. Avinash Singh, P.L.
For Objector	:	Mr. Devesh G. Kela, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****06/10/2015**

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. 377/14, registered at Police Station Chakarbhata District Bilaspur (C.G.), for the offence punishable under Sections 363, 366, 368 of the I.P.C.

2. Case of the prosecution, in brief, is that, the co-accused Ajay Shriwas abducted minor prosecutrix and they are still absconding and present applicant concealed them and confined them and thereby committed offence under Section 368 of the I.P.C.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that neither applicant concealed them nor confined them as they are not in custody of applicant, he himself in custody. He would lastly submit that applicant is in jail since 01/09/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State and learned

counsel for the objector would oppose the bail application and submit that applicant used to inform co-accused-Ajay Shriwas about the investigation by police and assisted co-accused in abducting the prosecutrix. He would further submit that investigation is going on and looking to the role of the applicant in offence in question he 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; role of the applicant in offence in question; the allegation of abduction and kidnapping against co-accused Ajay Shriwas and pretrial detention of the applicant, this Court is of the opinion that present is the 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 trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE