

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.5351 of 2015**

Smt.Divya Maduri Tirkey W/o Silabanus Tirkey Aged about 32 years, R/o Village:
Balmanda, PS : Lodam, Jashpur, Distt.Jashpur (CG)

---Applicant

Versus

State of Chhattisgarh, Through : The S.H.O., Jashpur, Distt.Jashpur (CG)

---Non-applicant

For Applicant	:	Mr. Abhishek Sinha, Advocate
For Non-applicant	:	Mr. Arvind Dubey, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

08/10/2015

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.130/2015, registered at Police Station-Jashpur, District-Jashpur (C.G.), for the offence punishable under Section 364A read with Section 34 of the IPC and Sections 25 & 27 of the Arms Act.

2. Case of the prosecution, in brief, is that husband of present applicant namely Silabanus Tirkey and eight other co-accused persons kidnapped Subhash Bakhla on 14.4.2015 between 7.30 to 8 p.m., demanded Rs.20 lacs as ransom and obtained Rs.11 lacs from him and thereby committed the aforesaid offences.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence, she is wife of one co-accused Silabanus Tirkey, she has no specific overt-act in the offence in question and she has falsely been implicated in this case merely she happens to be wife of co-accused Silabanus Tirkey and on the basis of her memorandum statement and recovery of alleged Rs.50,000/- from her, she has been implicated in this case. He would further submit that the applicant has been detained since 19.5.2015 and the charge-sheet has already been filed. There is no evidence of kidnapping and demanding

ransom by the present applicant, she has been falsely implicated and therefore, she may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that Rs.50,000/- has been recovered on the basis of memorandum statement of the present applicant, which was obtained as ransom from the complainant.

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; there is no specific overt-act of kidnapping and demand of ransom by the present applicant as the allegation is against her husband, she being a woman aged about 32 years and is said to have Ex-Sarpanch of Gram Panchayat Balmanda, her pre-trial detention, the fact that charge-sheet has already been filed and no further interrogation is required, 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 her 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 her appearance as and when directed.

9. Certified copy as per rules.

(Sanjay K. Agrawal)
JUDGE

B/-