

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5407 of 2015**

APPLICANT : Vikram Singh Nagwanshi
(In Jail) S/o Late Mehttar Nagwanshi, Aged about 22 years, Occupation – Labour, R/o Modipara, P.S. City Kotwali, Civil & Revenue District Raigarh (C.G.)

Versus

NON-APPLICANT : State of Chhattisgarh, through Station House Officer, Out Post Jutmill, Police Station – Kotwali, District Raigarh (C.G.)

For the applicant : Smt. Indira Tripathi, Advocate.
For the respondent/
State : Mr. Satish Gupta, G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****27-10-2015**

This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.366/2015 registered at Police Station Out Post Jutmill, Kotwali, District Raigarh (C.G.) for offence punishable under Section 307, 34 of the IPC.

2. Case of the prosecution, in brief, is that complainant Mohan Das Mahant has lodged an FIR stating that his son Santosh has been assaulted by applicant Vikram Singh Nagwanshi on a previous enmity in some other criminal charges. It is the case of prosecution that after releasing from jail, the applicant along with other accused took the injured to the railway track and assaulted him, as a result of which santosh sustained injuries on his skull and fracture on his head.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the instant case and though the incident occurred on 22-04-2014, the statement of the injured has been recorded on 25-06-2015 i.e. after almost a year and till date no statement of injured was recorded which shows

that the applicant has been falsely implicated. She would further submit that charge-sheet has been filed in the case and the investigation has been made and the applicant is in jail since 25-06-2015 therefore, he may be enlarged on bail.

4. *Per-contra*, learned counsel appearing for the State has opposed the application for bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Having considered the facts of this case and taking into account that the incident which occurred on 22-04-2014 and the statement of injured was recorded for the first time on 25-06-2015 wherein the name of the applicant was disclosed and considering the nature of injuries, I am inclined to release the applicant on bail.

7. Accordingly, the bail application filed under Section 439 of the Code of Criminal Procedure is allowed.

8. It is ordered that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs. 25,000/- along with one surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial Court regularly on each and every date as and when given to him by the said Court.

9. C.C. as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE

HIGH COURT OF CHHATTISGARH, BILASPUR

SB : Hon'ble Shri Sanjay K. Agrawal, J.

M.Cr.C.No. 6826 of 2014

APPLICANT : Sudhil @ Sudhir Ekka
 Versus

NON-APPLICANT : State of Chhattisgarh.

Application under Section 439 of the Code of Criminal Procedure, 1973

 Appearance: Mr. Shivendra Bharadwaj, counsel for the applicant.
 Mr. Luv Sharma, P.L. for the State.

ORDER
 (22-12-2014)

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.113/2014 registered at Police Station Bagbahar, District Jashpur for offence punishable under Sections 363 and 370 of the IPC. The applicant has been arrested on 25-07-2014.
3. Allegation against the present applicant is that he abducted and took away some boys, namely Karan, Vinod Yadav, Jainandan Khadiya, Ramesh Khadiya, Tejkumar Paikra and Rajesh Kumar to Karnataka in order to exploit them and thereby committed the aforesaid offence.
4. Learned counsel appearing for the applicant would submit that the father of Karan, namely, Fucha Ekka has sworn in an affidavit indicating that the present applicant did not abduct his son Karan and his son Karan had gone outside to earn money at his own will. The present applicant is in jail since 25-07-2014. Therefore, he may be released on bail.
5. On the other hand, learned counsel appearing for the State opposed the application for bail.

6. Taking into consideration the facts and circumstances of the case and further considering that complainant Fucha Ekka, the father of abducted boy Karan had lodged complaint in the Police Station against the present applicant against abduction of his son Karan and other five boys of his village and made a statement under Section 161 of the Cr.P.C. during investigation before the Investigating Officer regarding the said abduction by the present applicant, but after recovery of the six abducted boys from the possession of the present applicant by the police, filing the affidavit of Fucha Ekka of non-involvement of the present applicant in the offence, which clearly indicates tampering of prosecution witness by the present applicant, I do not consider it a fit case to release the applicant on bail under Section 439 of the Cr.P.C. Hence, the instant bail application stands rejected.

J U D G E

