

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5621 of 2015**

APPLICANT : Narendra Bhushan Dubey
(In Jail) S/o Laxmi Prasad Dubey, Aged about 58 years, R/o Village Sayda, P.S. Chakarbhata, Civil & Revenue District Bilaspur (C.G.)

Versus

NON-APPLICANT : State of Chhattisgarh, Through Station House Officer, Police Station – Chakarbhata, District Bilaspur (C.G.)

For the applicant : Shri Raghvendra Pradhan, Advocate.
For the respondent/
State : Shri Vivek Singhal, P.L.

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.300/2015 registered at Police Station Chakarbhata, District Bilaspur (C.G.) for offence punishable under Sections 34(2) and 59 (A) of the Excise Act.

2. The prosecution alleges that when the raid/inspection was conducted by the police on 18-09-2015, 10.980 bulk liters of illicit liquor was seized from the possession of this applicant.

3. Learned State counsel has pointed out that the concerned SHO has reported that the applicant has no previous criminal antecedents.

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

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 10.980 bulk liters; offence is triable by the JMFC and the applicant is in jail since 18-09-2015, this Court is inclined to release the

applicant on bail. Accordingly, this application is allowed.

6. The applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- along with one surety in the like sum to the satisfaction of the concerned trial Court. He is directed to appear before the said Court regularly on each and every date as and when given to him by the said Court.

7. It is made clear that if the applicant is found to be involved in similar offence again, this order granting bail to the applicant shall automatically stand cancelled without reference to the Court and the concerned police shall be at liberty to re-arrest the applicant in this case also, after informing the concerned Judicial Magistrate where the trial is pending.

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

