

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.5513 of 2015**

APPLICANT : Arif Khan,
(In Jail) S/o Hasan Khan, Aged about 29 years,
R/o Jhariyapali, Tahsil & Police Station
Gharghoda, District Raigarh (C.G.)

Versus

NON-APPLICANT : State of Chhattisgarh, Through Police Station
Gharghoda, District Raigarh (C.G.)

For the applicant : Shri Ashish Gupta, Advocate.
For the respondent/
State : Shri Ashok Swarnakar, P.L.

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

Learned counsel appearing for the applicant seeks permission of this Court to withdraw this bail application with liberty to revive the same after filing of the charge-sheet.

2. Accordingly, the M.Cr.C. is dismissed as withdrawn with the aforesaid liberty.

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

