

COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. No. 1392 /2016

Jitendra Gupta, S/o. Ishwardeen Gupta, Aged About 30 Years, R/o. Presently R/o. Gopiyapara, Patelpara, House of Shankar Yadav, Purani Basti, Raipur, Chhattisgarh. Permanent R/o. Village Simra, P.S. Jaisingh Nagar, Distt. Sahdol, Madhya Pradesh.

---- Applicant

Versus

State Of Chhattisgarh, Through P.S. Tikrapara, Civil & Revenue District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. J.K. Gupta, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08.03.2016

1. This is the second 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.508/2015 registered at Police Station– Tikrapara, District Raipur (C.G.) for the offence punishable under Section 363, 365, 368, 120-B of Indian Penal Code.
2. Case of the prosecution, in brief, is that the daughter of the complainant Narmada Sahu, aged about 1 ½ months, was abducted by one Swati Pandey and thereafter Swati Pandey called this applicant who was auto driver and handed over the child to him and asked him to keep the child in his house. Consequently, applicant took girl child of 1 ½ months in his auto and thereafter gave it to wife Kesari Gupta. Subsequently, report was made and girl child was recovered from the house of Kesari Gupta.

3. Learned counsel for the applicant submits that abduction of the child of 1 ½ months was done by one Swati Pandey and this applicant has not committed any crime and he was only the Auto Driver, therefore, he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statements. The earlier bail application was dismissed on the ground that the girl child, aged about 1 ½ months, while was abducted she absolutely handed over to this applicant who took her to his house, therefore, at this stage, it would not be proper to appreciate and scan the facts and evidence. Considering the allegation and the statement of the witnesses which is to be appreciated by the trial Court after all the witnesses are examined, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge