

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3803 of 2016

Chandrama Singh, S/o. Dev Singh, Aged About 32 Years, R/o. Dhawalpur, Police Station Jhagrakhand, Tehsil Manendragarh, District Koriya, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Sirgitti, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Ms. S. Harshita, Advocate

For Respondent : Mr. Neeraj Kumar Sharma, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20.07.2016

1. 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.83/2016 registered at Police Station- Sirgitti, District Bilaspur (C.G.) for the offence punishable under Section 364(A), 365, 147, 149 & 342 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a complaint was made by one Nandani Yadav wife of Shiv Yadav on 26.02.2016 at about 2:25 p.m., that she received a phone call at about 8.00 a.m. from her husband that he has been kidnapped and he has been kept in their captivity and Rs.8,00,000/- was demanded. Subsequently, the husband of the complainant was recovered from the house of Vishnukant Tiwari and on investigation, mobile was also seized from there. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the complainant has cheated the wife of the applicant namely Santoshi Singh to provide job while they were residing at Manendragarh and an amount of Rs.5,00,000/- was paid, which was not paid back by Shiv Yadav. She further submits that though the promise was made to pay the same but he did not pay on some pretext or other. Subsequently, on 25.02.2016 in order to promise to pay back he accompanied with the applicant to Manendragarh for arranging the money to repay the amount which he had taken. It is further submitted that during the transit, the husband, Shiv Yadav had called his wife at 55 times, according to the call details but he never stated about anything about abduction and for the first time on 26.02.2016 at about 8:00 a.m., Shiv Yadav informed his wife about abduction which is a false story. It was further stated that as per the statement of the husband, Shiv Yadav during transit to Manendragarh though they have taken food while traveling, however, no complaint or report or resistance was made. It is stated that considering the facts it would show that the applicant has been falsely implicated in this case for avoiding payment of Rs.5,00,000/- which was received by Shiv Yadav by way of cheating. Learned counsel further submits that the similarly placed co-accused has been enlarged on bail by this Court on 14.06.2016 in M.Cr.C. No.2877 of 2016 and the case of the present applicant is similar to that case, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that the similarly placed accused has been enlarged on bail by this Court.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case and taking into fact that the similarly

placed accused has been enlarged on bail, I am inclined to release the applicant on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his 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 his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge