

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4103 of 2016

- Vikas Soni S/O Shri Vishwanath Soni Aged About 21 Years R/O Railway Colony, Ward No. 13, Police Station Mahasamund, Tahsil & Civil & Rev. District & Distt. Mahasamund Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Mahasamund, Tahsil & Civil & Rev. Distt. & Distt. Mahasamund Chhattisgarh.

---- Respondent

For Applicant : Mr. J.A. Lohani, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27-07.2016

1. This is 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 on 2-2-2016 in connection with Crime No. 44 of 2016 registered at Police Station Mahasamund, District Mahasamund (CG) for the offence punishable under Sections 364-A and 120(b) of the IPC.
2. Case of the prosecution, in brief, is that on 2-2-2016 the girl aged about 3 years was kidnapped from Vridawan School by co-accused Avant Chowhan and Pintu Chowhan and thereafter Avant Chowhan made a call through his mobile phone to the father of the victim girl and demanded a ransom amount of Rs.10,00,000/- from him. It is alleged that the applicant was also accused of conspiring with the petrol of the motor-cycle belonging to Avant Chowhan kept empty and as such it was left near the house of Prem Chandrakar and at the instance of the applicant the said

vehicle was recovered and subsequently the victim girl was left in the house of the complainant and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case and the main allegations are made against co-accused Avant Chowhan and Pintu Chowhan. He would further submit that the charge-sheet has been filed, the applicant is in jail since 2-2-2016 and no further investigation is required, therefore, he may be released on bail.
4. *Per contra*, learned State counsel opposing the bail application would submit that motor-cycle was recovered at the instance of the present applicant.
5. I have heard learned counsel for the parties and perused the case diary and other documents which would show that at the instance of the applicant motor-cycle was recovered which was left near the house of Prem Chandrakar which was belonging to co-accused Avant Chowhan which was used in kidnapping the victim girl.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, the manner in which the aforesaid offence was committed and further considering the fact that the motor-cycle which was used in commission of offence was recovered at the instance of the applicant, I am not inclined to release the applicant on bail.
7. Accordingly, the instant bail application is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju

