

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 4385 of 2016

- Umashankar Shrivastava S/o Durga Prasad Shrivastava Aged About 52 Years Caste Kayasth, R/o Amapara Ward, Police Station & Tahsil Kanker, District North Bastar Kanker, Chhattisgarh.

---- Applicant (In jail)

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Kanker, District North Bastar Kanker, Chhattisgarh.

---- Non- Applicant

For Applicant : Shri SK Mishra, Advocate
For Non-applicant/State : Shri Vinod Tekam, PL

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.08.2016

- 1) This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant who has been arrested on 9.5.2016 in connection with Crime No.105 of 2016, registered at PS Kanker, district North Bastar (CG) for the offences punishable under Sections 363, 365, 368 and 370 of the IPC and 130(2), 177, 146/196 and 3/181 of Motor Vehicles Act, 1988.
- 2) Case of the prosecution, in brief, is that on 04.04.2016, complainant Sukhmati Yadav lodged a missing report that her minor son- Manoj was missing and on enquiry it was found that her son Manoj was illegally confined by the present applicant for domestic help and thereby the aforesaid offence was committed.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the case and it is clear from the affidavit filed by Sukhmati Yadav that her son went to the

applicant for work on the earlier occasion also, therefore, the applicant may be released on bail.

- 4) Per contra, learned State Counsel opposing the prayer for grant of regular bail would submit that there are many criminal cases registered against the applicant, the affidavit given by Sukhmati is yet to be verified as it seems that she made the said affidavit on pressure by the present applicant and if the applicant is released on bail, he may tamper with the evidence.
- 5) I have heard learned counsel for the parties and perused the case diary and documents.
- 6) Considering the facts and circumstances of the case, nature and gravity of the offence, the manner in which the offence was committed and further considering the past background of the applicant against whom number of criminal cases under different sections of IPC are registered, I am not inclined to release the applicant on bail.
- 7) Accordingly, the bail application is liable to be and is hereby rejected.

Sd/-

(Goutam Bhaduri)
JUDGE