

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 137 of 2016

1. Bishwajeet Das, (shown in charge sheet as Vishwajeet Das) S/o. Kamaldas, Aged About 34 Years, R/o. IB -78, Sector-03, South Salt Lake, Police Station Salt Lake, District North -24 Pargana, Kolkata (West Bengal)
2. Chinmay Nath, S/o. Chitronjan Nath, Aged About 35 Years, Caste - Bengali, R/o. Simultala, P.S. Bongaon, District North - 24 Pargana, Kolkata, West Bengal.
3. Bishwajeet Adhikari, (shown in charge sheet as 'Vishwajeet Adhikari) S/o. Ramesh Adhikari, Aged About 34 Years, Caste - Bengali, R/o. Simultala, P.S. Bongaon, District North - 24 Pargana, Kolkata, West Bengal.
4. Uttam Das, S/o. Ajit Das, Aged About 35 Years, Caste - Bengali, R/o. Simultala, P.S. Bongaon, District North - 24 Pargana, Kolkata, West Bengal.
5. Gopal Karmakar, S/o. Late Prashant Karmakar, Aged About 43 Years, Caste - Bengali, R/o. Village Kalindi (wrongly mentioned as Kalidi) Lake Town, 250 Swamiji (wrongly mentioned as 'Sabhaji') Post & P.S. Lake Town, 24 Pargana, Kolkata, West Bengal.
6. Bimal Ghosh (shown in charge sheet as 'Vimal Ghosh') S/o. Jeevan Ghosh, Aged About 44 Years, Caste- Bengali, R/o. Village Mustafipara (wrongly mentioned as 'Mustakipada') P.S. Bongaon, District North 24 Pargana, Kolkata, West Bengal

---- Applicants

Versus

State Of Chhattisgarh, Through Station House In-charge, Police Station Chirmiri, District Koriya, Chhattisgarh

---- Respondent

For Applicants : Mr. B.P.Sharma, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25.01.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.368/2015, registered at Police Station– Chirmiri, District Koriya (C.G.) for the offence punishable under Section 365, 34, 323 of IPC.
2. Case of the prosecution, in brief, is that on 02.11.2015 the complainant Gopal Dutta had went to a Jeans shop wherein the applicants came and abducted him and took him his house and thereafter assaulted.
3. Learned counsel for the applicants submits that the complainant Gopal Dutta was infact entrusted with certain gold ornaments for delivery to certain persons, however, the complainant has not delivered the gold entrusted to him and also misappropriated the amount given to him for which a report was made on 15.10.2015 to South Vidhan Nagar Police Station. He relied on the document which is filed along with the bail application and would submit that after the report was made against the complainant in order counter the same, a false report was lodged by Gopal Dutta wherein the case of the prosecution has been diluted.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the statement of Gopal Dutta and the primary report which was lodged by the applicants on 15.10.2015 to the South Vidhan Nagar Police Station, Kolkata. Taking into consideration the report and the statement of Gopal Dutta, which is contradictory in nature; considering the facts and circumstances of the case; further taking

into fact that the witness Gopal Dutta has initially turned hostile thereafter again cross-examined, so without any observation on merit, for the purpose of bail, I am inclined to release the applicants on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge