

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2877 of 2016

1. Rewatiraman Mishra S/o Kailashnath Mishra Aged About 52 Years
Occupation Travel Agency, R/o Manendragarh, P.S.
Manendragarh, Tahsil Manendragarh, District Koriya, Chhattisgarh
2. Ramesh Yadav S/o Babulal Aged About 32 Years Occupation
Cook, R/O T. V. Tower Road, Manendragarh, P.S. Manendragarh
Tahsil Manendragarh, Distt. Koriya Chhattisgarh
3. Vishnukant Tiwari S/o Vijay Tiwari Aged About 36 Years
Occupation Transport, R/o Toad, Manendragarh, P.S.
Manendragarh, Tahsil Manendragarh, District Koriya, Chhattisgarh

---- Applicants

Versus

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

---- Respondent

For Applicants	:-	Mr. C.J.K. Rao, Advocate
For Respondent/ State	:-	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

14/06/2016

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. 83/2016 registered at Police Station- Sirgitti, District Bilaspur (C.G.) for the offence punishable under Sections 364(A), 365, 147, 149, 342 of IPC.
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 PM, that she received a phone call at about 8.00 AM 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. Counsel for the applicants would submit that in fact the complainant has cheated the wife of Chandrama Singh namely Santoshi Singh to provide them job while they were residing at Manendragarh and an amount of Rs. 5,00,000/- which was not paid back by Shiv Yadav. He further submits that though the promise was made to pay the same but he did not pay and on some pretext or other. Subsequently on 25.02.2016 in order to promise to pay back he accompanied with the applicants 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 AM, 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 travelling, however, no complaint or report or resistance was made. It is stated that considering the facts it would show that the applicants have been falsely implicated in this case for avoiding payment of Rs. 5,00,000/- which was received by Shiv Yadav by way of cheating.
4. On the other hand counsel for the State opposes the prayer for grant of bail and submits that Shiv Yadav was recovered from the

house of the Vishnukant Tiwari thereafter the report was made, therefore, the offence is made out.

5. Perused the case diary and the charge-sheet. The case diary contains different phone call details of the husband Shiv Yadav bearing No. 9755135570 with the complainant the wife having number 9522726767. The call details shows the conversation in between the husband abducted person and the complainant wife took place more than 55 times during 25.02.2016 to 26.02.2016 at different intervals. The wife has stated in the FIR that on 26.02.2016 she was informed that her husband has been kidnapped and was informed by phone at 8 AM on 26.02.2016. The statement of Shiv Yadav the husband would also show that while transit the applicants though had taken food at place near Kenda no resistance or report was made. Considering the facts and circumstance of the case and taking into the allegation levelled against the applicant and the fact that the charge-sheet has been filed in this case and no further investigation is required, this Court is of the opinion, that the present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge