

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3934 of 2016

- Ramesh Kumar Minj S/O Suryanath Minj Aged About 29 Years R/O Village Jamvantpur, Police Station Ramanujganj, District Balrampur - Ramanujganj, Civil - Sarguja, Rev. Distt. Balrampur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Ramanujganj, District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Applicant : Mr. A.K. Prasad, Advocate

For Respondent/State : Mr. Vivek Singhal, , Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.07.2016

1. This is the second 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 12-09-2015 in connection with Crime No. 53 of 2015, registered at Police Station Trikunda, District Balrampur-Ramanujganj (CG) for the offence punishable under Sections 294, 323, 355, 364-A, 506, 120-B and 34 of the IPC. Earlier first bail application was dismissed on merits vide order dated 22-12-2015 passed by this Court in M.Cr.C.No. 7186 of 2015.
2. As per prosecution case, on 24-08-2015 one Shambhu Khairwar was abducted and he was asked whether he was holding Hanuman Printed Coin. Thereafter, said complainant was taken to Shardapur Main Road, Aamadandi. Subsequently, Scorpio vehicle came from Wardrafnagar which was owned by Ramesh Kumar Minj present applicant and other co-accused Bhrahmdev, Rajnath, Vishwajeet and Fuzet forced the complainant to board the Scorpio vehicle.

Thereafter, they traveled in said Scorpio vehicle to some distance. He was taken to inside the forest and however, some-how complainant got himself free and fled away and the report was made.

3. Learned counsel appearing for the applicant would submit that during pendency of the trial, complainant has compounded the offence under Sections 294, 506, 323 and 355 of the IPC and thereafter the complainant was examined on 7-7-2016 wherein against the present applicant nothing has been attributed. He relied on the statement filed by the complainant. He would further submit that under these circumstances, the applicant may be enlarged on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the complainant has compounded the offence under Sections 294, 506, 323 and 355 of the IPC.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of the complainant wherein nothing has been attributed to the applicant.
7. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering the statement of the complainant and without any observation on the merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju