NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M. Cr. C. No. 7719 OF 2015

Vishwajit Kujur S/o Bulaki Kujur aged about 26 years R/o village Tatapani, Police Station Ramanujganj, District Balrampur Ramanujganj (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Trikunda, District Balrampur (C.G.)

---Non-applicant

AND

M. Cr. C. No. 316 OF 2016

Ravindra Kachhap S/o Premchand Kachhap, aged about 30 years, R/o village Tatapani, Police Station Ramanujganj, District Balrampur Ramanujganj (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Trikunda, District Balrampur (C.G.)

---Non-applicant

For Applicants : Mr. Sushil Dubey, Advocate
For Non-applicant : Mr. Aditya Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/02/2016

1. Above mentioned two bail applications arise out of a common Crime No. 53/2015 registered at Police Station Trikunda, District Balrampur (C.G.), for the offence punishable under Sections 364(A), 294, 506, 323, 34, 353, 186 & 120B of Indian Penal Code, therefore, they are being heard analogously and decided by this common order. All the two are first bail applications filed under Section 439 of the Cr.P.C.

2. The case of the prosecution, in brief, is that, on 24/08/2015 complainant was kidnapped for ransom by the applicants and other co-accused persons and thereby committed aforesaid offence.

3. Learned counsel for the applicants would submit that applicants have not committed any offence and have been falsely implicated in the offence in question. He would further submit that no ransom was demanded by the present applicants. He would further submit that

charge sheet has already been filed and applicants are in jail since 12/09/2015. He would lastly submit that bail application of three other co-accused persons has been rejected by co-ordinate Bench vide order dated 05/01/2016 passed in M. Cr. C. No. 7408/2015 but the case of the present applicants are distinguishable with them, as such, they are entitled to be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that in the T.I. Parade, applicants were identified by the complainant. He would further submit that bail application of three other co-accused persons have been rejected by the co-ordinate Bench vide order dated 05/01/2016 passed in M. Cr. C. No. 7408/2015 and the case of the present applicants are identical to those co-accused persons, as such, they are not entitled to be released on bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case and further taking into

consideration the nature and gravity of offence; applicants were identified by the complainant in the T.I. Parade and the fact that bail application of three other co-accused persons has already been rejected, I am not inclined to release the applicants on regular bail.

7. Accordingly, the bail applications i.e. M.Cr.C. Nos. 7719/2015 & 316/2016 filed under Section 439 of Cr.P.C. are dismissed. However, the trial Court concerned is directed to conclude the trial expeditiously.

8. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

Tiwari