

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5089 of 2016

1. Rajnath Singh S/O Shivvrat Singh Aged About 28 Years R/O. Village - Navadih (Tatapani), Police Station - Ramanujganj, District - Balrampur - Ramanujganj, Civil District - Sarguja, Revenue District - Balrampur, Chhattisgarh
2. Fujel Khan S/O Inush Khan Aged About 23 Years R/O Village - Chumra, Police Station - Ramanujganj, District - Balrampur, Ramanujganj, Civil District - Sarguja, Revenue District - Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Police Station - Trikunda, District - Balrampur-Ramanujganj, Chhattisgarh

---- Respondent

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

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01-09-2016

1. This is second 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 on 9-9-2015 and 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 306-A, 294, 506, 323, 355, 1230-B of the IPC. Earlier first bail application was dismissed on merit on 5-1-2016.
2. Case of the prosecution, in brief, is that one Shambu Khairwar was abducted and was enquired whether he was holding Hanuman Printed Coin. Thereafter, said complainant was taken to Shardarpur Main Road, Aamadandi. Subsequently, a Scorpio vehicle came from Wadraf Nagar which was owned by Ramesh Kumar Minj and thereafter, the present applicants along with other co-accused persons forced the complainant to board the Scorpio vehicle. After they traveled in said Scorpio vehicle for some distance, the complainant was taken

inside the forest. However, somehow the complainant got himself free and fled away and the report was made and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the complainant Sambh Khairwar has been examined in this case and nothing has been attributed to the present applicants. He would further submit that the charge-sheet has been filed in this case, the applicants are in jail since 9-9-2015 & 12-9-2015 and no further investigation is required, therefore, the applicant may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of the complainant Shambhu Khairwar including examination and cross-examination.
7. Considering the statements of the complainant, it would not be appropriate for this Court to give a finding while consideration of bail at this stage any finding may cause prejudice to the rights of defence or prosecution as this Court while deciding the bail application is not sitting as court of trial.
8. Taking into consideration the facts and circumstances of the case I do not find any change of circumstances in the second bail application after rejection of the first bail application.
9. Accordingly, the second bail application filed under Section 439 of the Cr.P.C. is also liable to be and is hereby dismissed.

Sd/-

(Goutam Bhaduri)
Judge

Raju