

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5191 of 2016

1. Naresh Kumar Sahu, S/o. Sunil Lal (Sunnilal) Sahu, aged about 25 years, R/o. Borda, Police Station – Sakti, District – Janjgir-Champa (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Jobi, P.S. - Kharsia, District – Raigarh (C.G.)

---- Respondent

For Applicant	: Ms. Sharmila Singhai, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate
For Objector	: Mr. M.K. Jaiswal, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/09/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.245/2016, registered at Police Station – Jobi, Kharsia, District – Raigarh (C.G.) for the offence punishable under Section 365/34, 323 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 17.06.2016 one Devendra Agnihotri along with the present applicant and other co-accused abducted Kamal Yadav and Anand Patel over old enmity and thereafter assaulted them and subsequently left them in the night after getting signature on some papers. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the victim were not abducted since they themselves have joined the applicant and other

co-accused as the complainant demanded money from the applicant and there was some compromise talks were going on and had there been any intention to abduct, the victims would not have been left. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 24.06.2016, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State as well as learned counsel for the objector opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of Kamal Yadav and Anand Patel. Considering the facts and circumstances and the background of this case and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 24.06.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge