

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5478 of 2016

Prem Shankar Kaiwartya, S/o. Mana Ram Kaiwartya, Aged About 27 Years, R/o. Village Borsi, P.S. Kasdol, District Baloda Bazar-Bhatapara, Chhattisgarh, At Present R/o. Devar Basti, Premnagar, Mova, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station City Kotwali, Baloda Bazar, District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Yogesh Kumar Chandra, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15.09.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.161/2016 registered at Police Station City Kotwali, Balodabazar, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 363 & 364(A) of Indian Penal Code.
2. As per the prosecution case, on 15.05.2016 a boy named Nikhil @ Nishant Manikpuri was abducted who is 6 years of age and subsequently, the wife of the complainant received a phone call wherein Rs. 5 Lacs was demanded. It is alleged that the present applicant has conspired with the other co-accused and sent one Uday Sarkar to bring the boy and the boy was brought by the other co-accused. Subsequently, after recovery and investigation, it was found that the applicant has provided the Sim and in connivance with the other co-accused has committed the crime.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated, no evidence is available against him and he was also not identified in the identification paraded. He further submits that the phone call which was made was on the Sim belonged to Uday Sarkar, therefore, no evidence is available against the applicant and as such he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and memorandum statement of Uday Sarkar and the present applicant wherein it shows that the applicant along-with other co-accused went into different vehicles to kidnap the boy, which was recovered from the present applicant. Considering the nature and gravity of offence and the evidence available against the applicant, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge