

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6663 of 2016

1. Amit Pradhan, S/o. Shri Rakanath Pradhan, aged about 25 years, R/o. Village- Banpur, Police Station – Banpur, District – Khurdha (Orissa)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Gariyaband, District – Gariyaband (C.G.)

---- Respondent

For Applicant : Mr. A.D. Kuldeep, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/11/2016

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.97/2016, registered at Police Station – Gariyaband, District – Gariyaband (C.G.) for the offence punishable under Section 363, 370, 374, 120-B, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by Golu Sahni, brother of the victim that his brother Pintu Sahni along with others were taken out away from the lawful guardianship of their parents to Bangalore to provide them job, however, after serving when the money was demanded it was denied, consequently the report was made. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that with the consent of the family members, Pintu was taken to Bangalore and the affidavit in this regard of Golu Sahni has been executed along with other

affidavit of Durpat and Hemin Bai etc. which has been considered in M.Cr.C. No.6797/2016 and the bail was granted to Kedar Sahni vide order dated 22.11.2016 and the case of the present applicant is similar to that of the accused person who has been enlarged on bail. Therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that similarly placed co-accused in this case has been enlarged on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the facts and circumstances of the case, and the nature of allegation and further taking into the fact that similarly placed co-accused has been enlarged on bail by this Court in M.Cr.C. No.6797/2016 by order dated 22.11.2016, 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