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HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7281 of 2016

1. Shyama Rabbari, S/o. Pratap @ Pachan Rabbari, aged about 35 years, Caste – Rajput, R/o. Village – Gotatola, Tahsil and Police Station – Mohla, Civil and Revenue District – Rajnandgaon (C.G.). Permanent address – Village Varshamedi, Tahsil Anjar, Civil and Revenue District (Bhuj) Gujrat.

(As per order sheet, further the applicant is permanent resident of Rajnandgaon District, but police just on to dragged the applicant into the offence shows that applicant is resident of Gujrat.)

----Applicant

Versus

1. State of Chhattisgarh, through: the Station House Officer, Police Station : Makdi, Civil and Revenue District – Kondagaon (C.G.)

---- Respondent

AND

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---- Respondent

For Applicant	: Mr. Punit Ruparel, Advocate
For Respondent/State	: Ms. Sunita Jain & Mr. Anant Bajpai, Panel Lawyers

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

22/11/2016

1. These are the first bail applications 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.30/2016 and Crime No.29/2016, registered at Police Station – Makdi, District – Kondagaon (C.G.) for the offence punishable under Section 363/370(05)/34 of Indian Penal Code.

2. Case of the prosecution, in brief, is that missing report was made by Samaruram Netam and Dhaniram Poyam that their minor sons namely Baman Netam and Krishna Poyam is missing. Subsequently, when the matter was investigated, it revealed that Farsuram Mandavi and Tularam Baghel had abducted the minor boys and handed over to the present applicant to assist grazing of cattle and in lieu thereof Rs.1500 – 1500/- was paid to Farsuram Mandavi and Tularam Baghel. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and no offence has been committed by the present applicant and Rs.1500/- was paid to each. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 30.09.2016 and no further investigation is required. 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.
5. I have heard learned counsel appearing for the parties.

6. Perused the statement of Krishna Poyam and Baman Netam. Considering the statement of minor boys and taking into the nature of allegation levelled against the applicant, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Balram