

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7847 of 2016

- Umashankar Shrivastava S/o Durga Prasad Shrivastava Aged About 52 Years Caste - Kayasth, Resident Of Amapara Ward, Police Station & Tahsil - Kanker, District - North Bastar Kanker Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Kanker, District - North Bastar Kanker Chhattisgarh

---- **Respondent**

For Applicant : Mr. Suryakant Mishra, Advocate

For Respondent/State : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14-12-2016

1. This is a second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 9-5-2016 in connection with Crime No. 105 of 2016 registered at Police Station Kanker, District North Bastar Kanker (CG) for the offence punishable under Sections 363, 365, 368, 370 of the IPC and 139(2), 177, 146/196, 3/181 of the Motor Vehicles Act, 1988. Earlier first bail application was dismissed on merits on 9-8-2016.
2. As per prosecution case, on 4-4-2016 complainant Sukhmati Yadav lodged a missing report that her minor son Manoj was missing and on inquiry it was found that her son Manoj was illegally confined by the present applicant for domestic help and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that victim has been examined in this case and he has not supported the prosecution case, therefore, he may be enlarged on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail and would submit that only three witnesses have been examined and other witnesses are still to be examined. Apart from this case, 12 cases under different Sections of IPC and Cr.P.C., are registered against the applicant, therefore, he is not entitled to be released on bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the earlier rejection order which would show that earlier bail was rejected on the ground that as many as criminal cases are registered against the applicant. It would not be appropriate for evaluating the facts by picking up the evidence of only three witnesses as other witnesses are still to be examined.
7. Taking into consideration facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact 12 cases under different Sections of IPC and Cr.P.C., are to the credit of the applicant, this court is not inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju