

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6174 of 2017

Alok Tiwari @ Chhotu S/o Ramlal Tiwari Aged About 18 Years R/o Choubey Colony, Atal Awas, Sarkanda, Police Station- Sarkanda, Civil And Revenue District Bilaspur, Chhattisgarh. **----Applicant**

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station- Sarkanda, District Bilaspur, Chhattisgarh. **---- Respondent**

For Applicant	:	Shri Dharmesh Shrivastava, Advocate
For Respondent/State	:	Shri Avinash Singh, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/12/2017

Heard.

1. The applicant has been arrested in connection with Crime No.292 of 2017 registered at Police Station- Sarkanda, District Bilaspur (CG) for the alleged commission of offence under Section 363, 364-A, 365, 368, 120-B/34 of IPC.
2. Case of the prosecution is that two children namely Harsh and Vicky were kidnapped. The allegation is that the applicant was also involved in the offence of kidnapping.
3. Learned counsel for the applicant would submit that the applicant has been involved only on the suspicion that he was known to the kidnappers. He would submit that the kidnapped child Harsh and Vikcy both have been examined during trial and they have not identified the applicant. Earlier in Test Identification Parade also, the present applicant was not identified. Therefore, at this stage, the applicant may be granted bail.
4. On the other hand, learned State counsel opposes the prayer by submitting

that the involvement of the applicant along with main co-accused is based on his memorandum given to the police. Therefore, looking to the nature and gravity of allegation, the applicant may not be granted bail.

5. Considering the submission of learned counsel for the parties, particularly taking into consideration the submission of learned counsel for the applicant that the kidnapped child have already been examined in the Court and they have not identified the applicant and that in the T.I. Parade also, the applicant was not identified by the kidnapped child, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge