

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 380 of 2017

1. Ankit Das S/o Shambhu Das, Aged About 27 Years R/o Sattipara, Ambikapur, Surguja, District- Surguja Chhattisgarh.
2. Om Sinha, S/o Nand Prasad Sinha, Aged About 30 Years R/o Company Bazar, Ambikapur, Surguja, District- Surguja Chhattisgarh.
3. Saurubh Das, S/o Hari Das, Aged About 23 Years R/o Sattipara, Ambikapur, Surguja, District- Surguja Chhattisgarh.
4. Suraj Vishwas, S/o Tapan Vishwas, Aged About 21 Years R/o Sattipara, Ambikapur, Surguja, District- Surguja Chhattisgarh.

---- **Petitioners**

Versus

- State of Chhattisgarh Through- Police Station- Chalgali, District- Balrampur Chhattisgarh.

---- **Respondent**

For Applicants : Mr. A.K. Prasad, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

31-01-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 6-12-2016 & 8-12-2016 in connection with Crime No. 35 of 2016, registered at Police Station Chalgali, District Balrampur (CG) for the offence punishable under Sections 365, 294, 506, 323, 457, 380, 342, 147, 148, 149 & 201 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the complainant Manjit Halder that on 22-8-2016 present applicants came to his house and alleged that his brother-in-law has enticed away their sister, thereafter they forcibly took him away and assaulted him and during such course looted cash and other

house-hold goods and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that when the girl was missing, mother of the girl Suchitra Devi had made a report and subsequently the girl was recovered on 27-8-2016 which would be evident from Supurdnama. The applicants have also lodged a report against the complainant and other members that the girl of their family was enticed away by Dheeraj Vishwas. It is further submitted that it is a case of marriage of boy and girl and the report and counter report have been made which cannot be termed as nature of abduction and offence has been committed. It is further submit that charge-sheet has been filed in this case, the applicants are in jail since 6-12-2016 and 8-12-2016 and no further investigation is necessary. He would further submit that the case of the present applicants is similar to that of other co-accused persons who have been granted bail vide order dated 19-12-2016 passed by this Court in M.Cr.C.No. 7989 of 2016, therefore, the applicants may also be released on bail on the ground of parity.
4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the case of the applicants is similar to that of other co-accused persons who have been granted bail by this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering the fact that charge-sheet has been filed, the applicants are in jail since 6-12-2016 and 8-12-2016 and further considering the fact that

similarly placed other co-accused persons have been granted bail,
I am inclined to release the applicants on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju