

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 673 of 2017

1. Pt. Devendranath Agnihotri, S/o. Sadhram Agnihotri, aged about 56 years, R/o. Village-Sakti, Police Station & Tahsil – Sakti, District – Janjgir-Champa (C.G.)
2. Gendlal Laimer, S/o. Shri Malikram, aged about 50 years, R/o. Village-Aspatal Road Sakti, Police Station & Tahsil – Sakti, District – Janjgir-Champa (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : the Incharge, Police Chowki-Jobi, Police Station – Kharsia, District – Raigarh (C.G.)

---- Respondent

For Applicants : Ms. Sharmila Singhai, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/02/2017

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 applicants who have been arrested in connection with Crime No.245/2016, registered at Police Station – Kharsia, Police Chowki- Jobi, District – Raigarh (C.G.) for the offence punishable under Section 365, 323/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 17.06.2016 the present applicants along with other co-accused abducted Kamal Yadav and

Anand Patel over old enmity and thereafter assaulted them and subsequently left them in the night after getting signature on some papers. Thereby the offence has been committed.

3. Learned counsel for the applicants submits that the victim were not abducted since they themselves have joined the applicants and other co-accused as the complainant demanded money from the applicants and there was some compromise talks were going on and had there been any intention to abduct, the victims would not have been left. It is further submitted that similarly placed co-accused in this case has been enlarged on bail by this Court in M.Cr.C. No.5191/2016 vide order dated 07.09.2016, therefore, the counsel prays that the applicants may also 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 has been enlarged on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of Kamal Yadav and Anand Patel. Considering the facts and circumstances and the background of this case and further considering the fact that similarly placed co-accused in this case has been enlarged on bail by this Court in M.Cr.C. No.5191/2016 vide order dated 07.09.2016, this Court is of the opinion that present is a fit case, in which, the applicants 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 applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram