

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 661 of 2017

- Kalicharan Sahu S/o Shri Suresh Sahu, Aged About 20 Years R/o Sara Dhaneshwaram Bihar, At Present R/o Village And Tahsil Baramkela, Police Station Baramkela, District Raigarh Chhattisgarh
---Applicant

Versus

- State of Chhattisgarh through The District Magistrate Raigarh District Raigarh Chhattisgarh
--- Respondent

For the applicant	:	Mr. Abhishek Saraf, Advocate
For the Respondent	:	Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.02.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 68/2016 registered at P.S. Baramkela, Distt. Raigarh (C.G) for the offence punishable under Sections 363, 364, 365, 120-B/34 IPC.
2. As per the prosecution case, on 28.8.2016 a report was made by the complainant that on 27.08.2016, one Raju Sahu has kidnapped the minor son of 4 years old on the pretext that an elephant will be shown to him and the accused took away the boy to a forest and while the boy was being taken away, it was seen by Hemant Nayak, aged about 11 years. Subsequently the boy was confined and was kept in a four wheeler. However, when the other accused Raju Naik who was minor was cornered he divulged the fact that he along-with the present applicant committed the crime and

the boy was taken to forest.

3. Learned counsel for the applicant would submit that the name of present applicant has not appeared in any of the statements of witnesses and therefore, false allegations have been attributed and the applicant may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and different statements of witnesses which would go to show that a 4 years old boy was kidnapped. Subsequently, this applicant and other co-accused have been identified by witness Hemant. Considering the evidence available and degree of allegations levelled against the applicant and other accused as also the fact that the applicant has been identified, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**