

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. NO. 2113 OF 2017

Pooja Singh @ Bhanu Gadain, W/o Shri Suresh Singh, aged about 25 years, R/o Village- Barpali, Chowki Balega, P.S. Hitgir, District-Sundargarh (Orissa), Mo. No. 7894282369

... Applicant

Versus

State of Chhattisgarh, through S.H.O. of the P.S. City Kotwali, Raigarh, District Raigarh (C.G.)

... Non-applicant

For Applicant	:	Mr. Abhishek Saraf, Advocate.
For Non-applicant/State	:	Mr. Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05/10/2017

1. The present is the first application filed under Section 439 of CrPC for grant of bail to Applicant who has been arrested on 2.7.2016 in connection with Crime No. 371/2016, registered at Police Station- City Kotwali, District Raigarh, for the offence punishable under Sections 363, 365 of IPC.
2. As per the prosecution case, the Applicant on 30.6.2016 at around 9:30 am is said to have robbed Smt. Hemkumari of her new born child and abducted the child and took her to District Sundargarh in the State of Orissa. The police authorities after an intensive search could recover the child from the custody of the Applicant from her house at Sundargarh District in Orissa State.
3. Learned Counsel for the Applicant submits that the Complainant- Smt. Hemkumari has not been able to identify the Applicant of having committed the offence and further that the Applicant has already remained in police custody for a period of about 15 months and therefore he claims for release of the Applicant on bail.

4. Learned Counsel for the State however opposing the application submits that it is a serious offence committed by the Applicant and therefore prays for rejection of the application.

5. Having considered the contentions put forth on either side and on perusal of the record, though the Complainant-Smt. Hemkumari may not have identified the Applicant of having committed the offence but what cannot be lost sight is the fact that a new born child on a day was recovered from the possession of the Applicant at her house in a different State i.e. District Sundargarh (Orissa), which *prima facie* shows the involvement of the Applicant in the commission of the offence.

6. In the given facts and circumstances, this Court is not inclined to grant bail to the Applicant at this juncture.

7. The application for grant of bail is rejected.

Sd/-
(P. Sam Koshy)
Judge