

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2083 of 2017

Uday Sarkar, S/o. Kali Prasad Sarkar, Aged About 36 Years, R/o. Kalinagar, Near Kali Mandir, Pandri, Raipur, Post Office Raipur, Police Station Civil Lines, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Station House Officer, Police Station Baloda Bazar, District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent : Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13.04.2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.161/2016 registered at Police Station- Balodabazar, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 363, 364(A) of Indian Penal Code. The first bail application was dismissed as withdrawn on 27.09.2016 in MCRC No.5804 of 2016.
2. As per the prosecution case, the present applicant alongwith other co-accused persons has kidnapped Nikhil Manikpuri, S/o. Pawan Das Manikpuri, a six years boy, and demanded ransom of Rs.5 Lakhs. Thereby, the offence has been committed.
3. Learned counsel for the applicant would submit that few of the witnesses have been examined and they have not supported the

case of the prosecution, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the order of first bail application, which shows that simplicitor withdrawn was made without any liberty to repeat the same, therefore, at this stage, considering the statement of few of the witnesses would amount to hold the trial simultaneously by this Court while hearing the bail application. Considering the same, I am not inclined to entertain this second bail application.
6. Accordingly, the second bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge