

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 75 of 2017

1. Gajju @ Gajendra Kumar Kanchan S/o Devcharan, Aged About 52 Years, Caste Halba, R/o Nagri, Tahsil Nagri, District Dhamtari, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Police Station Nagri, Tahsil Nagri, District Dhamtari, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Kishore Bhaduri and Shri Pawan Kesharwani, Advocates.
For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

27-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that Crime No.12/2017 has been registered by Nagari police, District Dhamtari, C.G. under Section 363/34 of the IPC along with two other co-accused. The two other co-accused were granted bail and released after furnishing bond before the concerned police as the offence is bailable. Victim Kailash Sahu who was allegedly kidnapped by the present applicant and other co-accused was recovered by police on 25-01-2017 at Village Guma, P.S. Kharora, Tahsil Arang, District Raipur, C.G. The offence registered is bailable offence, hence, the instant MCRCA may be allowed.
3. Learned counsel for the non-applicant/State submitted that as per legal provisions, Section 363 of the IPC is bailable.
4. As per the provisions, the offence registered is bailable one. With this, provisions of Section 438 of the Cr.P.C. is not attracted in the matter as the offence is bailable one.
5. Consequently, the instant MCRCA is disposed of and it is observed that

offence registered against the applicant is bailable.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE

Aadil