

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8120 of 2017

- Sobhnath S/o Tejaram Aged About 21 Years R/o Ward No. 15, Near Railway Gate, Manendragarh, District Koriya, Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Khadgava, District Koriya Chhattisgarh, Chhattisgarh

---- Respondent

MCRC No. 213 of 2018

- Rajnish Kumar S/o Chetram, Aged About 27 Years R/o. Village Dhalwan, P. S. Sarkaghat, District Mandi H.P., Himachal Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. Police Station Khadgawan, District Koriya Chhattisgarh, Chhattisgarh

---- Respondent

For Applicants	:	Ms. Soniya Kuldeep, Advocate in MCRC No.8120/2017.
		Ms. Meena Shastri, Advocate in MCRC No.213/2018.
For Respondent	:	Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/04/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. This is the first bail application of applicant Sobhnath in MCRC No.8120/2017 and Second bail application of applicant Rajnish Kumar

in MCRC No.213/2018. His first bail application is dismissed on merits. Both the applications 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.54/2017, registered at Police Station- Khadgava, District – Koriya(C.G.) for the offence punishable under Sections 363, 370, 374, 34 of Indian Penal Code.

3. Learned counsel for the applicants submits that applicants are innocent and have falsely implicated in this case. They are in jail since 17.4.2017. After completion of almost one year the trial in the case has not been completed. The main witness that is the victim in this case has been examined before the trial Court, who has not given any statement against both these applicants because of which he has been declared hostile by the prosecution. Hence, it is prayed under these circumstances both the applicants be granted bail.
4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that at the time the victim was abducted he was a minor. Hence, no case is made out for grant of bail.
5. Heard both the parties and perused the case diary.
6. According to prosecution case, minor Shiv Prasad of age about 17 years was abducted by Vishnu Vishwakarma and this applicant with allurements of providing him good job the victim was left with applicant Rajnish Kumar in MCRC No.231/2018 for exploiting labour work from him. FIR was lodged by complainant Anurup Singh the father of the victim on that basis investigation has been done and charge-sheet has been filed.

7. Considering the material present in the case diary and also perused the certified copy of the statement of the victim Shiv Prasad and also perused the certified copy of the deposition of Anurup Singh the complainant in this case. Both these witnesses have been declared hostile by the prosecution for not supporting the prosecution case. Hence, development and change in the circumstances because of which, I am of this opinion that both the applicants should be granted bail.
8. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy today.

Sd/-
(Rajendra Chandra Singh Samant)
Judge