

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 463 of 2018

- Premchand Singh Uike S/o Kapildev Singh Uike, Aged About 32 Years
R/o Village Godla, Thana Basantpur Balrampur District Balrampur
Ramanujganj Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Basantpur District Balrampur Ramanujganj Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant	:	Mr. S.S. Rajput, Advocate.
For Respondent	:	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

20/03/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.122/2017 registered at Police Station– Basantpur, District– Balrampur(C.G.) for the offence punishable under Sections 363, 364, 364(A), 365, 386/34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. It is submitted that no case is made out against this applicant on the basis of material present in the charge-sheet filed against him. Statements of witnesses in the prosecution case itself show that applicant was not present at the time of abduction of the child of complainant and nor he has made any demand of extortion money. He was only present at that time when the

demand was made by co-accused persons and was received by them, hence, he has not played any role in the crime in question. Applicant is in jail since 14.10.2017 and he is ready to abide by all the conditions and directions, which may be imposed while granting bail to him. Hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that according to the evidence present in the case investigated, applicant has played an active role in the commission of offence by being present when the extortion money was demanded from the complainant. No case for grant of bail is made out. Hence, he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. According to prosecution case on 13.10.2017 main accused Pradeep Singh Ayam came to the house of complainant Arun Kumar Kushwaha, he first asked for water and later on he asked for tea. In the meanwhile, co-accused Premchand Singh was playing with the child of the complainant. When the complainant came out of the house he did not see the accused persons and his child. Later on, he received a call demanding ransom of Rs.5 lakhs and threatening him that he would face dire consequences if the demand is not fulfilled. It is stated that when the complainant came to the house of Pradeep Kumar, co-accused Santu Soni and Nathu Ram asked for the money and received the same from the complainant and thereafter main accused released the child of the complainant.
6. After considering on the material present in this case against this applicant including the statement of witnesses and contents of FIR lodged by the complainant, I am of this view that this is a fit where

applicant should be released on regular bail during the pendency of the trial against him.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha