

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2321 of 2018

1. Santu Prasad Soni S/o Rajeshwar Prasad Soni, Aged About 49 Years, R/o Village Murkaul, P.S. Basantpur, District Balrampur-Ramanujanj, Chhattisgarh, District : Balrampur, Chhattisgarh
2. Nathuram S/o Ramlakhan Gond, Aged About 31 Years, R/o Village Murkaul, P.S. Basantpur, District Balrampur-Ramanujanj, Chhattisgarh, District : Balrampur, Chhattisgarh
3. Pradeep Ayam S/o Late Surendra Pratap Singh, Aged About 32 Years, R/o Village Murkaul, P.S. Basantpur, District Balrampur-Ramanujanj, Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Basantpur, District Balrampur-Ramanujanj, Chhattisgarh, District : Balrampur, Chhattisgarh

---- Non-applicant

MCRC No. 2665 of 2018

1. Abhay @ Pankaj Yadav S/o Chandramani Yadav, Aged About 25 Years, R/o Village- Shyahi, P.S.- Basantpur, District- Balrampur- Ramanujanj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Basantpur, District- Balrampur-Ramanujanj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Non-applicant

For Applicants – Shri PawanShrivastava, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-06-2018

1. As these two applications arise out of the same crime number, i.e., Crime No. Crime No.122/2017 registered at P.S. Basantpur, District- Balrampur-Ramanujanj, Chhattisgarh, they are decided by this common order.
2. These are first bail applications filed before this Court by the applicants under Section 439 of the Cr.P.C. for grant of regular bail. The applicants have

been arrested on 14-10-2017. Applicants Santu Prasad Soni, Nathuram and Pradeep Ayam (applicants in MCRC No.2321/2018) have been arrested in connection with aforesaid crime number for the offence under Section 363, 364, 364(क), 365, 386/34 of the IPC and applicant Abhay @ Pankaj Yadav (applicant in MCRC No.2665/2018) has been arrested in connection with aforesaid crime number for the offence under Section 363, 366(क), 365, 386/34 of the IPC.

3. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. No case is made out against them according to the charge sheet against them. There had been a dispute regarding settling of account between applicant Pradeep Ayam (applicant No.3 in MCRC No.2321/2018) and complainant Arun Kushwaha, because of which, the complainant has lodged the false FIR against these applicants. One of the co-accused namely Premchand Singh Uike has been granted bail by this Court and all these applicants have similar case, hence, it is prayed that the applicants may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications and submits that named and prompt FIR has been lodged against these applicants, hence, there is no scope for grant of bail to these applicants.

5. Heard learned counsel for the parties and perused the case diary.

6. Allegation against the applicants is this, that there had been a dispute of settling account between the complainant and applicant Pradeep Ayam, because of which, on the date of incident the applicants in collaboration abducted the child of the complainant and they made demand of Rs.5 lakhs and one truck and threatened that in case the demand was not met with, then the child will be killed. The complainant fulfilled the demand and got released his child, and thereafter, the applicants were arrested on the basis of the FIR lodged by him. Hence, this case.

7. Considered on the material present in the case diary. The fact of dispute regarding settling of account is undisputed and the complainant and the applicants are well known to each other, further, the applicants do not have any criminal antecedent, and also looking to this fact that one of the co-accused has been granted bail by this Court, I am of this view that these applicants should also be granted regular bail in the present matter.

8. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge