

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8140 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. 220 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	:	Mr. Ravi K. Bhagat and Ms.Meena Shastri, Advocates.
For Respondent	:	Mr. Anant Bajpai, Penal Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/03/2018

1. Since all the bail applications arise out of the same crime number, they are being disposed of by this common order.
2. M.Cr.C. No.8140/17 filed on behalf of applicant Sobhnath is the first bail application under Section 439 of CrPC, whereas M.Cr.C. No.220/18 filed on behalf of applicant Rajnish Kumar is the second bail

application under Section 439 of CrPC, for grant of regular bail as they are in custody in connection with Crime No. 55/2017 registered at Police Station Khadgava District Koriya(C.G.) for the offence punishable under Sections 363, 370, 374, 34 of Indian Penal Code (for short 'IPC').

3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in the crime in question. After rejection of first bail application of applicant Rajnish Kumar (MCRC No.220/2018) on merits, there is change in the circumstances as the victim of this case has not supported the prosecution case during his examination before the trial Court and turned hostile. No case is made out on the basis of the charge-sheet filed against both the applicants. Hence, it is prayed that both applicants are entitled for grant of bail.
4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect.
5. Heard both the parties and perused the case diary.
6. Case of the prosecution is that applicant in M.Cr.C. No.8140/17 along with co-accused Vishnu Vishwakarma abducted minor victim Gangadin from the lawful guardianship of his parents and took him to Delhi & Himachal Pradesh and sold him to applicant in M.Cr.C. No.220/18. FIR has been lodged by the father of victim and subsequently, the minor child was recovered from the possession of Rajnish Kumar in MCRC No.220 of 2018.
7. Considered the entire material present in the case diary and also perused the certified copy of statement of victim recorded before the trial Court which shows that he has not supported the case of

prosecution in any respect and turned hostile. This is a change in circumstances which has to be taken note of. Hence, I am of this view that this is a fit case where applicants should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge