

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4478 of 2018

1. Manoj Sharma S/o Ramkishan Sharma Aged About 26 Years
2. Smt. Preeti Sharma W/o Manoj Sharma Aged About 21 Years

Both R/o Chakeri Ram Devi Mohalla, P.S. Chakeri, Kanpur (U.P.)
At Present Sejbahar Housing Board Colony, House No.415,
House Of Prafull Shrivastava, P.S. Sejbahar, Raipur, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station D.D. Nagar, Raipur, Chhattisgarh

---- Respondent

For Applicant
For Respondent-State

Shri Shikhar Sharma, Advocate
Shri A. S. Pandey, GA

Honble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/07/2018

1. The applicants have preferred this first bail application under Section 439 of CrPC, as they have been arrested in connection with Crime No.89/2017, registered at Police Station D. D. Nagar, Bhopal (M.P.), for the offence punishable under Sections 364 (A), 120-B, 342, 323 read with Section 34 and 420 of IPC and Sections 25 & 27 of the Arms Act.
2. It is submitted that the applicants have been falsely implicated in this case. The applicants are in jail since 18.03.2017. Hence, no case is made out against the applicants.

3. It is submitted that the victim has been examined by the trial Court and according to the statement given by him, the allegation against the applicant No.1 in the prosecution case is falsified and the applicant No.2 had no role to play, as she is the wife of the applicant No.1 and was only present on the spot, hence both the applicants be released on bail.
4. Learned State counsel opposes the bail application and submits that according to the statement of the victim under Section 161 of CrPC, the applicants have played important role in commission of offence, hence the applicants may not be released on bail.
5. Heard learned counsel for the parties and perused the case diary.
6. As per the prosecution case, the victim/complainant Sushil Gupta was abducted for ransom by the co-accused persons and he was kept in confinement. The allegation against the applicant No.1 is that he was guarding the victim by using a countrymade pistol and when the Police Personnels of Crime Branch made their entry, he tried to fire on them and also on the complainant. The allegation against the applicant No.2 is that she was present on the spot where the complainant was kept in confinement.
7. After due scrutiny of the materials present in the case diary and also taking into consideration the fact that the applicant No.2 was only present on the spot, I am of this view that it is a fit case for grant of bail to the applicant No.2, whereas no case is made out for grant of bail to the applicant No.1 looking to his involvement and the activity in the case. Accordingly, the bail application of the applicant No.1 is rejected. Consequently, the bail application of

the applicant No.2 is allowed and the applicant No.2 is directed to be released on bail on her executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. She is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nirala