

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 630 of 2019

- Shamsheer Khan S/o Rafiq Khan Aged About 19 Years R/o Ward No. 10, Ramanujanj, Police Station Ramanujanj, Civil And Revenue District Balrampur- Ramanujanj, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Ramanujanj, Civil And Revenue District Balrampur, Chhattisgarh

---- Respondent

For applicants	Mr. Parasmani Srivas, Adv.
For non-applicant/State	Mrs. M. Asha, Panel Lawyer.

Hon'ble Shri Justice Sharad Kumar Gupta

ORDER ON BOARD

8-3-2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No 110/2018 registered in police station Balrampur- Ramanujanj (CG) for offence punishable under Section 363, 364-A, 302, 120-B of the IPC.
3. Prosecution story in brief is that applicant and other co-accused planned to abduct Ijhan Akaram aged 14 years resident of Ramanujanj for getting ransom of Rs. 7 lacs. As per the planning said boy was kidnapped on 4-9-2018 and killed in forest Kanakpur near the Akelwa Bharhul nala. His dead body was recovered at the instance of co-accused Mohd. Israr alias Raja. Some witness had seen that abducted boy, applicant and co-accused Sahil were going in a motorcycle on 4-9-2018 at about 5.00 pm. The deceased boy was sitting in between applicant and co-accused Sahil.
4. Counsel for the applicant argued that as per the memo of arrest, applicant was arrested on 4-9-2018 at 14.20 hour, thus it is not

possible that on very day at about 5.00 pm he was alleged to be in company of deceased. He further submitted that statement of Mumtaz Ansari has been recorded 13 days after the incident, he had not disclosed to anyone earlier that he had seen the deceased in the company of applicant. Hence he may be released on bail.

5. On the other hand, the State Counsel opposed the bail application. He further submits that no criminal antecedent has been reported against applicant in the police case diary.
6. As per the entries in the police case diary, applicant was arrested on 7-9-2018. Thus at this stage applicant would not get any help from the memo of arrest of the applicant regarding date of arrest and time.
7. What would be effect of the statement of Mumtaz Ansari is the subject matter of scrutiny which could be done by the trial Court.
8. Looking to the facts and circumstances of the case, looking to the evidence available on record against applicant and the seriousness of the offence, and the impact of granting bail to the applicant, this Court is not inclined to grant bail to the applicant.
9. The application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge