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**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 3911 of 2019**

Prakash Sahu S/o Mahngu Ram Sahu Aged About 22 Years Occupation Driver (Of Scorpio CG.09-JG-4666) R/o Village Taro, Tahsil Bodla, District Kabirdham Chhattisgarh.

**---- Applicant**

***Versus***

State Of Chhattisgarh, Through : Station House Officer - Police Station Kabirdham Chhattisgarh. District – Magistrate – Kabirdham.

**---- Respondent**

**AND**

**M.CR.C. No. 3940 of 2019**

1. Horilal, S/o. Jaysingh Sahu, Aged About 53 Years, Occupation Labour,
  2. Jagjivan S/o Kandra Sahu Aged About 32 Years Occupation Labour,
- Both are R/o Khairbanakala, Police Station Kawardha, District Kabirdham Chhattisgarh.

**---- Applicants**

***Versus***

State Of Chhattisgarh, Through Station House Officer, Police Station - S/Lohara, District Kabirdham Chhattisgarh.

**---- Respondent**

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For Applicant (in M.Cr.C. No.3911/19): Mr. Hemant Gupta, Advocate

For Applicants(in M.Cr.C. No.3940/19): Mr. Dharmesh Shrivastava, Advocate

For Respondent/State : Mr. Avinash K. Mishra, P.L.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board**

**24/07/2019**

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.

2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.79/2019, registered at Police Station – Sahaspur – Lohara, District – Kabirdham (C.G.) for the offence punishable under Section 365, 323, R/w. Section 34, 366, 506 B, of I.P.C. and Section 25, 27 of Arms Act.
3. It is submitted by the learned counsels for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants. It is submitted that the applicant Prakash Sahu (in M.Cr.C. No.3911/19) is driver of the vehicle, which was hired by the main accused Bhagwat Sahu, therefore, nothing can be attributed on the part of this applicant for commission of offence as alleged. With regard to the applicants (in M.Cr.C. No.3940/19), it is submitted that they were simply in company of the main accused on his invitation for having a ride in the vehicle, they were not participant in the commission of offence. The applicants are in jail since 20.05.2019, charge-sheet in this case has been filed after completion of investigation. Therefore, it is prayed that the applicants may be enlarged on regular bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicants were deliberately present, who have participated and encouraged the main accused in commission of offence, therefore, they are not entitled for grant of bail.
5. I have heard the learned counsel for both the parties and perused the case diary.

6. The victim of this case is married woman of 20 years of age was forcefully abducted by the main accused Bhagwat Sahu with the help of these applicants and then she was taken in Scorpio vehicle and she was taken for ride in a vehicle inside the jungle and lastly she was left in the house of Bhagwat Sahu. The allegation against this applicants is that they were present with main accused throughout.
7. Considered on the submissions made and the contents of the case diary. After considering the nature of allegation against these applicants and the allegations are mainly against the main accused Bhagwat Sahu and Thanesh for making abduction and putting the prosecutrix under threat, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge