

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4754 of 2019**

- Smt. Neeta W/o Dilip Kumar Saraf, aged about 45 years, R/o Laxmi Bhawan, Gondpara, Adarsh Chowk, Near Khowa Mandi, Police Station – City Kotwali, District – Bilaspur, (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station – City Kotwali, District – Bilaspur, (C.G.).

---- Respondent

For Applicant	: Shri Pushpendra Singh Baghel, Advocate.
For Respondent/State	: Smt. Hamida Siddiqui, Dy. A.G.
For Objector	: Shri Anant Bajpai, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**20/08/2019**

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as she is arrested in connection with crime No. 145/2019, registered at Police Station – City Kotwali, District - Bilaspur, (C.G.) for the offence punishable under Sections 363, 365, 120-B, 347, 364(A), 201 of I.P.C. and Section 25 of Arms Act.
2. In this case, there are total six accused persons. As per the prosecution story, On 20.04.2019 at around 20:15 P.M., wife of the Complainant (Vivek Saraf) informed him on phone that their son Virat Saraf, aged about 7 years, while he was playing with the children in the street near their home, at that time three persons came out from one unnumbered white Wagon R car and kidnapped Virat by taking him inside the car and thereafter they run away from the spot. The said matter was reported by Complainant and on the basis of that, offence under Section 363 of I.P.C. has been registered against

unknown persons. Allegedly, Wagon R car in which Virat was kidnapped belongs to one Sunil Singh Rajput, who is the brother of co-accused Anil Singh Rajput. Allegedly, Anil Singh Rajput, Hare Krishna and Satish Sharma are the other co-accused persons who kidnapped Virat Saraf in the said Wagon R car. It is further alleged that after kidnapping Virat was kept in the house of co-accused Raj Kishore Singh. Allegation against the present Applicant Neeta Saraf is that, she was having long illicit relationship with co-accused Anil Singh Rajput. There was also money transaction between both of them. It is alleged that, for obtaining illegal money as '*firauti*' , present Applicant made criminal conspiracy with Anil Singh Rajput and other co-accused persons. She used to provide every minute details of Complainant Vivek Saraf and abducted child Virat to Anil Singh Rajput and other co-accused persons. Applicant Neeta and co-accused Anil Singh were continuously on mobile contact right from the first day of incident till last day of recovery of abducted child Virat. On the basis of the above background, offence has been registered against the present Applicant and she has been taken into custody on 27.04.2019.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case due to some dispute with the parents and other family members of abducted child Virat. He further submits that since there was illicit relationship between Applicant and co-accused Anil Singh Rajput therefore, mobile conversations between both of them seems to be natural. Due to this present Applicant is implicated in the alleged act. He further states that Applicant is a well-reputed lady. She is in custody since 27.04.2019 and trial is likely to take some time. Therefore, she may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State and Counsel for Objector oppose the bail application and submit that there is sufficient evidence available on record which shows the involvement of present Applicant, co-accused Anil Singh and other co-accused persons in the crime in question. They further submit that on the basis

of the evidence collected by prosecution, *prima facie*, it is established that present Applicant and Anil Singh were continuously on mobile contact, even a day before date of incident. Also from the mobile of Applicant as well as co-accused Anil Singh, images of abducted child Virat were found. From the evidence collected by the prosecution, it is also well established that present Applicant and Anil Singh hatched conspiracy and were engaged in abduction of child Virat. Thus, looking to the above, present Applicant should not be released on bail.

5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution, argument advanced by Counsel for both the parties and further considering the nature of crime and role played by present Applicant, I am not inclined to release her on bail.
7. Accordingly, the bail application is rejected.

Sd/-
(Arvind Singh Chandel)
Judge