

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1767 of 2020**

- Kishan Kumar Sarthi S/o Chhedilal Sarthi Aged About 20 Years R/o Village Sakarri, Police Station And Tahsil Malkharouda, District Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Kharsiya, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Respondent

For Applicant	:	Shri Awadh Tripathi, Advocate
For Respondent	:	Shri Anand Verma, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****05/06/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.379/2019, registered at Police Station – Kharsiya, District Raigarh (C.G.) for the offence punishable under Sections 363, 365, 34 IPC.
2. The allegation against the present applicant is that he along with other co-accused person abducted the child namely Aishwarya and when they were going on their motorcycle bearing registration No.CG-11/A-5038, they were caught running by the villagers near the house of Dindayal Rathore. Based on this, offence has been registered. The present applicant has been taken into custody on 13.09.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the applicant has no intention to secretly and wrongfully confined the said child. When the applicant

found the child near canal (Nahrpar) Mohka, they immediately brought the child openly to first Belal shop which itself indicate that they have not kidnapped or abducted the child with intent to confine secretly and wrongfully but the villagers on the basis of some suspicion badly beaten them because villagers thought that they have stolen the child from his natural guardianship. He also submits that the applicant is in jail custody since 13.09.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application. Learned counsel submits that the child has been recovered from the possession of the applicant and the villagers caught the present applicant and co-accused running.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the gravity of offence, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application is rejected

Sd/-
(Rajani Dubey)
Judge