

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1953 of 2020**

- Akshay Sahare S/o Tanuji Sahare aged about 20 years, R/o Pote Kasa Manekasa, Aamagaon, District Gondiya, Maharashtra.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station-Kotwali, District-Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Aditya Bhardwaj, Adv.
For Respondent/State	:	Mr. H. S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24/06/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 729/2019 registered at Police Station Kotwali, District-Rajnandgaon (C.G.) for the offence punishable under Sections 365, 364-A, 34 of IPC.
2. The prosecution story, in brief is that, complainant Sunil Wadhwani filed a complaint that on the date of incident about 5:45 pm., one Neha told him that two persons came on the motorcycle and kidnapped his nephew, it is also told that the kidnappers had covered their faces. Thereafter, police has investigated the matter and on the basis of CCTV footage of the colony the present applicant identified by the father of the kidnapped child. Thereafter, the present applicant and another co-accused person have been arrested by siege. Present applicant has been taken into custody on 09.12.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in

question. He further submits that the kidnapped child has been recovered from the co-accused person who is minor and already been granted bail by the Court below. He next submits that the applicant is in jail since 09.12.2019, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application submitting that the applicant did a very heinous crime, the applicant along with another minor co-accused person kidnapped the child. He next submits that in 161 statement of the victim he identified the applicant and stated that the applicant was working in the catering business of his father, it is also stated that the applicant forcefully took him on the motorcycle, so, it is not a fit case to release him 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, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**