

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2954 of 2020

Rahul Kade @ Bablu, S/o. Late Venkat Rao Kade, Aged About 26 Years,
R/o. Kalkapara, Behind Ashoka Hotel, Dongargarh, P.S. Dongargarh, District
Rajnandgaon Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through SHO, Police Chowki CSEB, P.S. Kotwali,
Korba, District Korba Chhattisgarh.

---- Respondent

For Applicant : Mr. Anshul Tiwari, Advocate

For Respondent/State : Mr. Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/08/2020

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.715/2018, registered at Police Station – Kotwali, Chowki- CSEB, District – Korba (C.G.) for the offence punishable under Section 364 (a), 365, 201, 120(b), 34 of the Indian Penal Code. The first bail application of the applicant was dismissed as withdrawn vide order dated 24.07.2019 in M.Cr.C. No.3243 of 2019.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. He has not participated in the commission of offence as alleged. He is in jail since 23.09.2018. Statement of the material witnesses have been recorded in trial, who have not made any specific statement against this applicant. The trial is getting delayed and also pandemic situation has affected the normal functioning of the Court. Therefore, it is prayed that the applicant may be released on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that it is a case of abduction of minor child for ransom, in which the applicant was an active participant, therefore, looking to the gravity of the offence, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Considered on the submissions and facts of the case and also perused the copy of the deposition filed, it does not appear that all the important witnesses have been examined and further the victim of the case, the minor child, who was abducted does not appear to be altogether hostile witness, therefore, his statement needs appreciation, which can be done by the trial Court only, therefore, under the present situation and also looking to the gravity of the offence committed, this

Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram