

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3397 of 2020**

- Kundan Sahu S/o Rohit Lal Sahu aged about 19 years, R/o Village-Dhanora, Thana-Padmanabhpur, Tahsil & District-Durg, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : The Station House Officer, Police Station Padmanabhpur, District-Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. T. K. Jha, Adv.
For Respondent/State	:	Mr. H. S. Ahluvalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****14/08/2020**

1. Heard on admission.
2. Admit.
3. The accused/applicant has moved this second bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 748/2019 registered at Police Station-Thana-Padmanabhpur, District-Durg (C.G.) for the offence punishable under Sections 363, 365, 364-A, 120(B), 34 of IPC.
4. The first bail application of the applicant was dismissed by this Court on 16.01.2020 in MCRC No. 7612/2019.
5. As per the prosecution case, on 20.08.2019 Chandrashekhar Sahu moved complaint that as per information of principal namely Smt. Shanti Sarkar, the present applicant/accused along with other co-accused persons Kidnapped 04 years old son of complainant when he was going to school by Tata magic. On the basis of said complaint, after investigation, offence has been registered against the applicant. Present applicant has been taken into custody on 23.08.2019.

6. 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 present applicant is a student and is studying at Class-12th, there is no criminal record of present applicant. He next submits that the applicant is in jail since 23.08.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
7. On the other hand, counsel for the State opposes the bail application submitting that the applicant did a very heinous crime, therefore, it is not a fit case to release him on bail.
8. I have heard learned counsel for the parties and perused the case diary.
9. 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.
10. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-
(Rajani Dubey)
Judge