

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4113 of 2020**

- Anil Chaudhary, S/o Shri Ramji Chaudhary, aged about 30 years, R/o House No.252, Dandikela Housing Board Colony, Arakshi Kendra, Vidhan Sabha, Raipur, Tehsil and District Raipur (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Dharsinwan, District Raipur, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Harsh Wardhan, Advocate.
For Non-Applicant : Shri Sudeep Agrawal, Deputy AG.

Proceeding Through Video Conferencing**Hon'ble Shri Justice Prashant Kumar Mishra****Order On Board**

28/08/2020 :

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.19/2020 registered in Police Station Dharsiwan, District Raipur for offence under Sections 365, 365-A, 120-B and 201 of the IPC.
2. One Pravin Somani was kidnapped from Raipur and taken to Jamunipur, Akbarpur, District Ambedkar Nagar, (UP). Ransom amount of Rs.25 crores were demanded. The incident took place on 8.1.2020 and the victim was recovered on 28.1.2020.
3. Almost all the accused persons belong to UP, Bihar and Odisha. Main

accused Pappu Choudhary of District Samastipur, (Bihar) is the relative of the present applicant, who himself is the property dealer at Raipur.

4. As against the present applicant, it is alleged that after performing recce he informed Pappu Choudhary that if Pravin Somani is kidnapped, huge ransom amount can be collected. He arranged for stay of other accused persons when they reached Raipur on 3.1.2020.
5. It is argued that the applicant has not been identified as one of the person who kidnapped the victim nor there is any seizure and the applicant has no criminal antecedents. It is also submitted that the only evidence against the applicant is the fact disclosed by other accused persons in their memorandum statement.
6. Learned State Counsel would oppose the prayer for grant of bail.
7. Even though the applicant may not be present at the time of kidnapping, therefore, he has not been identified, material against him available in the memorandum statement of co-accused persons is admissible under Section 30 of the Evidence Act and more so, when offence of criminal conspiracy under Section 120-B IPC is also alleged against all the accused persons. In such case, statement of co-accused can be used against other accused persons. The evidence of call details with mobile tower locations is also available, which connects the applicant with other accused persons.
8. Having anxiously considered the submissions, this Court is not inclined to release the applicant on bail. Accordingly, the application is rejected.

Sd/-
Judge
(Prashant Kumar Mishra)