

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3999 of 2020

1. Ishwar Prasad, S/o Shri Dev Lal Sahu, aged about 40 years, R/o village Khairjhiti, PS Kunda, Civil & Revenue Dist. Kabirdham, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through the Station House Officer, Police Station Kunda, Civil & Revenue Dist. Kabirdham, Chhattisgarh.

---- Respondent

For Applicant

Mr. Paras Mani Shriwas, Advocate

For Respondent /State

Ms Fouzia Mirza, Addl. Adv. General

(Proceedings through Video Conferencing)

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

27/8/2020

1. Heard.
2. The applicant has preferred this first bail application under Section 439 of CrPC, as he is arrested in connection with Crime No.96/2019, registered at Police Station Kunda, District Kabirdham (CG), for the offence punishable under Section 363 & 364(A) of the Indian Penal Code.
3. Applicant kidnapped his nephew, aged about 6 years, and took him to a different village located at a distance of about 5-6 kms. from their own village.

4. The victim was recovered within 2 hours. No injury has been caused to the victim. Moreover, in paras 22 to 25 of the statement of PW-2 Shrawan Sahu, father of the victim, it appears there is some dispute between two families concerning partition, mutation and possession of ancestral land. The applicant is in jail since 15-3-2019 i.e. after about 1½ years. The trial started in October, 2019 and some witnesses have been examined, but due to outbreak of COVID-19 Pandemic situation the trial is not progressing.
5. Having considered the entire facts situation of the case, I am of the opinion that present is a fit case to release the applicant on regular bail.
6. Accordingly, the bail application M.Cr.C.No.3999 of 2020 is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.
7. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri