

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5791 of 2020

- Suresh Sharma S/o Sahdev Sharma, Aged About 55 Years R/o Madisarai, Police Station Janakpur, District Koriya Chhattisgarh,

---- applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Janakpur, District Koriya Chhattisgarh

---- Respondent

For Applicant	: Shri H.A.P.S.Bhatia, Advocate
For Respondent/State	: Shri Rakesh Sahu,Dy.GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

15/12/2020

The applicant has filed this second bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No.767/2016 registered at police station Janakpur, district Koriya (CG) for the offence punishable under Sections 363 and 370 IPC.

The first bail application filed by the applicant was dismissed as withdrawn with liberty to renew the same after examination of material witnesses vide order dated 13.03.2020 in M.Cr.C. No. 661/2020.

As per prosecution case, report was lodged by the complainant alleging that his nephew aged about 15 years has been abducted by the applicant and later on sold by him to the other accused after

obtaining Rs. 6,000/- from him.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that affidavit of the complainant has been filed where in nothing has been stated against the applicant. He further submits that the applicant is in jail since 17.12.2019; the charge sheet has been filed and looking to the conduct of the prosecution, it is clear that the trial will take time for its conclusion, therefore he may be released on bail.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant and that nothing has been stated against the applicant in the affidavit filed by the complainant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 50,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-

(Rajani Dubey)

Judge