

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6543 of 2020**

- Durgesh Sahu S/o Shri Firat Ram Sahu Aged About 24 Years R/o Village Kaitha, Thana And Tahsil Bilaigarh, District Balodabazar Bhatapara, Chhattisgarh.

----Applicant

Versus

- The State Of Chhattisgarh, Through : The Station House Officer, Police Station Bilaigarh, District Balodabazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Sunil Sahu, Adv.
For Respondent/State	:	Mr. Rakesh Sahu, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****15/12/2020**

1. 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. 21/2019 registered at Police Station - Bilaigarh, District-Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 363, 364-A of the IPC.
2. The first bail application of the applicant was dismissed with liberty to renew the same after examination of material witnesses by this Court on 28.01.2020 in MCRC No. 8078/2019.
3. It is the case of the prosecution that, complainant Krishan Kumar Sahu lodged a report with the averment that his son aged about 6 years is studying at Saraswati Shishu Mandir, Pawani and on 25.01.2019 at about 9 AM., he went to School by School Van and at about 10 Am., he received the information that his son is not present in the School so complainant asked from driver of the School Van and came to know that some unknown person has called him through telephone and asked the driver to left the child near ATM so

police has made the search and the said child Kunal Sahu was recovered from the possession the applicant. Based on this offence has been registered and has been taken into custody on 25.01.2019.

4. 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 investigation has been completed and the prosecution agency has not collected any material evidence which can attract the provision of Section 364-A of IPC as there is no evidence to show that the applicant has made any demand from the parents of the said child. The applicant is in jail since 25.01.2019, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
5. On the other hand, learned counsel for the State opposing the bail application submits that it is a case of child kidnapping and there is clear evidence that shows the involvement of the applicant in the case, therefore, it is not a fit case where applicant may be released on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, gravity of offence, and further considering the quality of evidence in question, particularly considering the case-diary it comes in the light that applicant did a serious crime of kidnapping the child, thus, at this stage, I am not inclined to release him on bail.
8. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected. However, the trial Court is directed to expedite the trial and conclude the same as early as possible, preferably within a period of six months from the date of receipt of copy of this order.

**Sd/-
(Rajani Dubey)
Judge**