

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 335 of 2021**

- Abhay Singh S/o Ramji Singh Aged About 30 Years R/o Ratakhar, Tehsil And District Korba, Chhattisgarh ---- **Applicant**

Versus

- State of Chhattisgarh Through Police Chowki C.S.E.B. Station Kotwali, District Korba, Chhattisgarh ---- **Non-applicant**

For Applicant : Mr. Anshul Tiwari, Advocate.

For State : Mr. Ashish Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****18-03-2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 15-12-2020 in connection with Crime No. 1068 of 2020 registered at Police Station Police Chowki CSEB, Station Kotwali, District Korba (CG) for the offence punishable under Sections s 364, 386 read with Section 120-B, 34 of IPC.
2. The case of the prosecution, in brief, is that the present applicant along with other four co-accused persons kidnapped the victim namely Latif Khan and extortion money to the tune of Rs.2,10,000/- has been demanded by them and on the basis of the report lodged by the complainant, offence was registered

against the applicant and other four co-accused persons.

3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. He also submits that there is no evidence to show that the applicant was involved in the commission of crime of kidnapping and extortion. The main allegations are against the co-accused Abdul Khan who had done the overall act and the amount has also been transferred in his account. He would further submit that present applicant who is also residing in the same vicinity of other co-accused persons was informed that the victim was kidnapped by co-accused Abdhul Khan for want of money as earlier some amount was given by Abdul Khan to victim Latif. Thereafter, present applicant went there to settle the dispute between them. Only on the basis of suspicion, he has been arrested. He would further submit that charge sheet has been filed, applicant is in jail since 15-12-2020 and conclusion of the trial is likely to take some time for its final disposal, therefore he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Perusal of the case diary reveals that the victim was kidnapped by co-accused Abdul Khan and other co-accused persons and

extortion money to the tune of Rs.2,10,000/- has been demanded by co-accused Abdul Khan and amount of Rs.70,000/- has been transferred in his bank account on 12-12-2020. The allegation leveled against the present applicant is that he was coming from the house of other co-accused after the incident.

7. Considering the over all facts and circumstances of the case, looking to the statements of the witnesses, particularly the statement of the victim Latif Khan recorded under Section 164 of Cr.P.C., in which he stated that when other co-accused persons were beating him, at that time Abhay Singh saved him from them, looking to the identification parade in which another accused was identified by the complainant, looking to the entire evidence, there is no allegation that the applicant kidnapped the victim, detention period of the applicant, charge sheet has already been filed and the fact that the conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.

8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned trial Court. He shall appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicant is being

granted bail on the following conditions:

- i. he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- iv. he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to this court.

Sd/-

(Gautam Chourdiya)
Judge

Raju