

HIGH COURT OF CHHATTISGARH, BILASPUR

Order reserved on : 15-03-2021

Order passed on : 18-03-2021

MCRC No. 918 of 2021

- Gyanendra Pratap Singh @ Lallu S/o Lt. Gulab Singh Aged About 45 Years R/o Quarter No. 13B, Street No. 06, Sector-04, Bhilai, Thana Bhilai, District Durg, Chhattisgarh.

---- Applicant

(In Jail)

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Somani, District Rajnandgaon, Chhattisgarh

---- Non-applicant

MCRC No. 1166 of 2021

- Sharad Tiwari S/o Nand Kishore Tiwari Aged About 28 Years R/o Village Parasi, Police Station Garh, District Rewa M. P.

---- Applicant

(In Jail)

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Somani, District Rajnandgaon Chhattisgarh

---- Non-applicant

For Applicant in MCrC No.918/2021	:	Dr. N.K. Shukla, Sr. Advocate with Shri Shailendra Shukla, Advocate.
For Applicant in MCrC No.1166/2021	:	Shri Shikhar Sharma, Advocate.
For Non-applicant/State :		Shri CB Kesharwani, P.L.
For Objector in MCrC No.1166/2021	:	Shri Sunil Sahu, Advocate

Hon'ble Shri Gautam Chourdiya, J

C A V Order

01. As both the above first bail applications filed under Section 439 of CrPC arise out of the same crime number i.e. 190/2020 registered at Police Station-Somani, Distt. Rajnandgaon (CG) for the offence punishable under Sections 363, 365, 364A, 384, 120B, 34 of IPC, they are being disposed of by this common order.

02. Case of the prosecution, in brief, is that complainant Baljeet Singh lodged a report 10.10.2020 at 22:15 hours at Police Station-Somani, Distt. Rajnandgaon to the effect that on 10.10.2020 at about 9.00 pm his minor son/abducted child G was in his Daba. The Manager of his Daba namely Ritesh Rai Korkottee informed him at 9.15 pm over telephone that 03-04 unknown persons came in two cars bearing registration No.CG 06 GK 5888 and HP 37 C 0994 and forcibly took his son in the car bearing No. HP 37 C 0994 towards Rajnandgaon. After some time, one unknown accused called on mobile No.7024447966 of his wife Baljeet Kaur from mobile No.7223921916 and had his wife talk with his son and then the said accused demanded ransom of Rs.50 lacs. The said accused also told his wife that "Lallu (applicant in MCrC No.918/2021) is aware of it and if Lallu takes guarantee, they will release the child."

03. During investigation, statements of witnesses were recorded. In his statement Baljeet Singh Sethiya, father of the abducted child, stated that about two years prior to recording of his statement, he was in the business IPL betting with one Avinash Chanwla and during this period, on 17.9.2020 he came in contact with Pawan Pathak, Chandan Gupta through Lallu @ Gyanendra Pratap Singh. He stated that he lost

about Rs.25-27 lacs in betting which was to be paid to co-accused Pawan Pathak and that out of the same, Rs.10 lacs was given to Pawan Pathak and since for remaining amount of Rs.12-15 lacs, he was being frequently called on mobile phone, he switched off his mobile and due to this, on 25/26th September, 2020, Pawan Pathak had threatened him that he knew how to recover his money. He expressed suspicion over Lallu & Gyanendra Pratap Singh, Chandan Gupta, Pawan Pathak and their associates in abduction of his child for ransom of Rs.50 lacs. Harjeet Singh, uncle of the abducted child, has stated that on the next day of incident when he asked Baljeet Sethiya, he told him that Lallu @ Gyanendra Pratap Singh was his guarantor in IPL betting and his son has been abducted due to some money transaction dispute over IPL betting by Lallu @ Gyanendra Pratap Singh and his companions.

04. During investigation, it was found that there are total seven accused persons in this case, out of which Lallu @ Gyanendra Pratap Singh, Sharad Tiwari, Sunil Tiwari and Chandan Kumar Gupta have been arrested whereas three co-accused are still absconding. After completing investigation, charge sheet has been filed against the above four accused persons under Sections 363, 366A, 384, 120B, 34 of IPC.

05. Learned counsel for the applicant Gyanendra Pratap Singh @ Lallu submits that he is an innocent person and has been roped in this case merely on the basis of suspicion. In this case, no any evidence is there against Gyanendra Pratap Singh @ Lallu except the statement of Baljeet Kaur, mother of the abducted child, who states that a phone call was received from one unknown person by her on the date of

incident stating that if Gyanendra Pratap Singh takes guarantee, they would release the abducted child. It is submitted that this applicant is in jail since 14.10.2020, charge sheet has already been filed, conclusion of the trial is likely to take some time and therefore, he may be released on bail.

06. Learned counsel appearing for applicant Sharad Tiwari submits that he has been falsely implicated in this case, other co-accused persons are still absconding, nothing was recovered from this applicant, he is languishing in jail since 10.11.2020, charge sheet has already been filed and conclusion of the trial is likely to take some time, therefore, he may be released on bail.

07. On the other hand, learned counsel for the State opposing the bail applications submits that applicant Gyanendra Pratap Singh @ Lallu is the main perpetrator of the crime because he was guarantor of the amount (about Rs.22-25 lacs) payable by Baljeet Sethiya, which he had lost in IPL betting, to co-accused Pawan Pathak and since Baljeet Sethiya could only pay him Rs.10 lacs, all the accused persons including Gyanendra Pratap Singh, hatched a criminal conspiracy and in furtherance of their common intention, abducted the minor child of complainant Baljeet Sethiya for extorting money from him. Applicant Sharad Tiwari and co-accused Chandan Gupta have been duly identified by the abducted child in the Test Identification Parade.

Further, Ritesh Rai, Manager of the Daba of the complainant, has stated that co-accused Chandan Gupta admitted before him that with the help of Gyanendra Pratap Singh @ Lallu, Sharad Tiwari (applicants herein), Pawan Pathak, Sunil Tiwari, Jateen, Shulabh Singh and others, he committed the aforesaid crime. Thus, from the

material collected by the prosecution, it is clear that the applicants hatched a criminal conspiracy and in furtherance of common intention with the other co-accused persons kidnapped the minor child of the complainant for the purpose of ransom. It is further submitted the other co-accused persons are still absconding and if the present applicants are released on bail, there is every likelihood of their tampering with the evidence or influencing or intimidating the witnesses. In these circumstances, both the application are liable to be rejected.

08. Learned counsel for the objector in MCrC No.1166/2021 supporting the submission of the State counsel, also opposed the bail application.

09. Heard learned counsel for the parties and perused the case diary.

10. It has come in the statements of the witnesses that applicant Gyanendra Pratap Singh @ Lallu was engaged in IPL betting at Jagdalpur area, and Jabalpur and Shahdol of Madhya Pradesh. Complainant Baljeet Sethiya had lost Rs.25-27 lacs in IPL betting and out of the said amount, he returned Rs.10 lacs to co-accused Pawan Pathak and about Rs.12-15 lacs were remaining to be returned. For the said amount, the accused persons were repeatedly making calls to the complainant, due to which the complainant stopped receiving their calls. From the statements of the witnesses it also reveals that in order to extort money from the complainant, the co-accused persons in conspiracy with the applicants abducted the minor child of the complainant from his Daba and thereafter, a ransom call was made to wife of the complainant namely Baljeet Kaur demanding Rs.50 lacs for release of the child.

11. Thus, considering the facts and circumstances of the case, the manner in which the minor child was abducted, the statements of the abducted child, his father Baljeet Sethiya, mother Baljeet Kaur and manager of the complainant namely Ritesh Rai in whose presence co-accused Chandan Gupta admitted commission of the crime with the help of present applicants and other co-accused persons, the fact that in the test identification parade applicant Sharad Tiwari and co-accused Chandan Gupta were duly identified as perpetrator of the crime, no TIP has been conducted in respect of applicant Gyanendra Pratap Singh till date, the other co-accused persons are still absconding, the charge sheet has already been filed, without commenting anything on merits of the case, this Court is not inclined to release the applicants on bail. Accordingly, both the applications are rejected.

Sd/-

(Gautam Chourdiya)

Judge