

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.2028 of 2021**

- Pradeep Bhuiya @ Babu S/o Ramesh Bhuiya Aged About 27 Years R/o. Village - Khairaputti, Police Station Gangopur, District - Ganjam (Orissa)., District : Ganjam, Orissa

---- Petitioner

Versus

- State Of Chhattisgarh Through - Police Station - Dharsiwa, Raipur, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri N. Naha Roy, Advocate
For Respondent/State	:	Shri Jitendra Shukla, Panel Lawyer

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****06/08/2021**

Heard.

1. This is second bail application for grant of bail. Earlier bail application filed by the present applicant was dismissed as withdrawn on 24-09-2020.
2. The applicant has been arrested in connection with Crime No.19/2020 registered at Police Station-Dharsiwa, District Raipur (CG) for the alleged commission of offence under Section 365, 364-A, 120-B, 201 of IPC.
3. Prosecution case is that the applicant is involved in the act of kidnapping one Pravin Somani against a ransom of Rs.25 Crores.
4. Learned counsel for the applicant submits that there is no identification of the present applicant, as such, his involvement in this case is doubtful. It is further submitted that recovery of Aadhar Card and ATM Card of the kidnapped person could not be made a basis to involve the applicant in the alleged offence. He lastly submits that in the present case, the investigation is complete, charge-sheet has been filed and the applicant is in jail since 27-01-2020, therefore, at this stage, the applicant may be granted bail.

5. On the other hand, learned counsel for the State opposes the prayer for grant of bail by submitting that involvement of the applicant is based on identification of the co-accused, who have disclosed in his memorandum statement regarding the present applicant, followed by recovery of Aadhar Card and ATM Card of the kidnapped person from the present applicant and the applicant is being tried for commission of grave offence under Section 364 of IPC, which is punishable for life imprisonment, therefore, the applicant may not be granted bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the nature and gravity of allegation against the applicant, I am not inclined to allow the bail application only on the ground of pre-trial detention of the applicant.

7. Accordingly, the bail application is rejected. However, in case, the trial is not completed within a period of six months, the applicant would be at liberty to revive his application.

Certified copy as per rules.

SD/-
(Manindra Mohan Shrivastava)
Judge