

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.6131 of 2021**

- Omprakash, S/o Fagwaram Yadav, aged about 31 years, R/o Mohara, Tahsil and District Rajnandgaon (CG)

---- Applicant (In Jail)**Versus**

- State of Chhattisgarh, through Station House Officer, Police Station-Somani, District Rajnandgaon (CG).

....Non-applicant

For Applicant :	Mr. Aditya Bharadwaj, Advocate.
For Non-applicant :	Mr. Aditya Tiwari, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****29.10.2021**

1. This is first application under Section 439 of CrPC for grant of regular bail to applicant who is in custody since 9.7.2021 in connection with Crime No.97/2021 registered at Police Station Somani, District Rajnandgaon (CG) for commission of offence under Sections 394, 386 365, 34 of IPC.
2. Case of prosecution, in brief, is that on 9.7.2021 a written report was lodged by complainant mentioning therein that on 5.7.2021 co-accused Somesh Kumar Vaishnav called him near Government Hospital, Somani for making payment of old dues. When complainant reached at aforementioned place, he made phone call to co-accused Somesh and informed him that he has reached. Co-accused Somesh along with his friends came there in Maruti Swift Car; they snatched motorcycle of complainant and forcefully took him inside car. They also snatched mobile phone, ATM card kept in his pocket and cash of Rs.15,000/- kept in his wallet. In running vehicle,

accused persons assaulted complainant and demanded Rs.30 lakhs from him on pretext that he got pregnant their niece. Complainant was taken to number to places in night. They drunk wine. Under fear, complainant made phone call to his friend Rajesh Sahu on his mobile phone and asked him to make arrangement of money. On next morning Rajesh Sahu reached near Sahu Dhaba (restaurant) with a bag pretending it containing money. Accused persons came at Sahu Dhaba at about 1.30 p.m. (next day), collected bag from Rajesh Sahu and fled from there. However, when they did not find money in bag, they took complainant along with them and left him at a far place after removing his clothes.

3. Mr. Aditya Bharadwaj, learned counsel for applicant submits that applicant is driver of car and he has not committed any offence as alleged against him. There is no allegation against applicant that he participated in commission of offence in question in any manner or threatened and assaulted complainant. After looking to conduct of accused persons, when applicant stated that he will not drive car, co-accused Indal Lal offered to pay extra money to him and out of greed, he agreed to drive car. Hence, applicant may be released on regular bail.
4. Per contra, Mr. Aditya Tiwari, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that complainant was called by co-

accused Somesh Kumar Vaishnav in the evening of 5.7.2021; from evening of 5.7.2021 till afternoon of 6.7.2021 when complainant was released, applicant was along with accused persons and driving car in which complainant was abducted, assaulted and threatened by co-accused persons and demanded Rs.30 Lakhs. Even when in morning or afternoon when applicant along with co-accused persons reached hotel/dhaba, he did not disclose to anyone about commission of crime in question. As such, applicant is involved in commission of crime in question, hence, he is not entitled for grant of regular bail.

5. I have heard learned counsel for parties.
6. Taking into consideration nature of allegations, undisputed facts that from evening of 5.7.2021 till afternoon of 6.7.2021 applicant was driving car in which alleged offence is committed by accused persons, I am not inclined to grant regular bail to applicant.
7. Accordingly, bail application is rejected.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-