

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7815 of 2020**

- Dwarika Prasad Chandra S/o Aghoriram Chandra Aged About 47 Years R/o Village Talgaon (Girwani), Police Chowki-Bhatgaon, P.S.- Bilaigarh, District- Baloda Bazar- Bhatapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through, Station House Officer, Police Station Bilaigarh, (Now- Bhatgaon) District- Baloda Bazar- Bhatapara, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Satya Prakash Verma, Adv
For Respondent-State	:	Mr. Anmol Sharma, PL

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board**28/01/2021**

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.444/2017, registered at Police Station Bilaigarh, (Now Bhatgaon), District Baloda Bazar - Bhatapara C.G. for the offences punishable under Sections 364(A), 397 of the I.P.C.
2. Applicant along with other co-accused persons kidnapped victim Naresh Chandra and demanded ransom amount of ₹3 Lacs.
3. Having seen the case diary and the statement of the victim, who has clearly named the present applicant, I am not inclined to

release the applicant on bail.

4. Arguments advanced by learned counsel for the applicant that other accused persons namely Bhushankant, Rajesh Dubey and Kamal Kishore Dubey have already been acquitted and the victim or other witnesses have not deposed against the said accused or against the present applicant, therefore, he is also entitled for bail, does not impress this Court because in judgment of acquittal itself name of the present applicant is shown as absconding accused, meaning thereby that he did not appear before the trial Court and could not be arrested during its pendency.
5. Even otherwise, the deposition in the trial against Bhushankant, Rajesh Dubey and Kamal Kishore Dubey cannot be read as evidence, either in favour or against the present applicant. The said accused persons were denied bail by this Court, during pendency of trial, in MCRC No.7353/2018, and they were in jail for a period of about 1 year and 10 months.
6. In view of the above, I am not inclined to release the present applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

SD/-
(Prashant Kumar Mishra)
Judge

Ayushi