

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9319 of 2020

1. Hublal Sonwani, S/o- Laxmi Prasad, Aged about- 35 years,
2. Vishwanath Tigga, S/o Siyaram Tigga, Aged about 31 years,

Both R/o Village Kudkel, Tahsil Batauli, District Surguja, at present R/o Sivam Mines Chhal, Tahsil Dharamjaigarh, District-Raigarh (C.G.)
---- Applicants

Versus

State of Chhattisgarh, through the Station House Officer PS Punjipathra, District- Raigarh (C.G.)
---- Non-Applicant

For Applicants : Shri Manoj Kumar Jaiswal, Advocate
For Non-applicant/State : Shri V.K. Agrawal, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

01.02.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested on 16.10.2020 in connection with Crime No.206/2020 at Police Station- Punjipathra, District- Raigarh (C.G.) for the offence punishable under Section 363, 364A, 511, 34 of IPC.
2. Prosecution story in brief is that the applicants have forcibly kidnapped a girl child of 5 years of age from the hands of the complainant/mother and thereafter demanded ransom of Rs. 5,000/- from her.
3. Learned counsel for the applicants submits that the allegations against the applicants are false and fabricated, they are falsely implicated in the case. He submits that applicants/accused have no criminal antecedents, they are in jail since 16.10.2020, conclusion of the trial is likely to take some time, therefore, at

this stage, they may be granted bail.

4. On the other hand, learned State Counsel opposes prayer for grant of bail and submits that prima-facie case is made out against the applicants because they have kidnapped 5 years old girl child from complainant/mother, however, the applicants have no criminal antecedents.
5. Considering the facts and circumstances of the case, the daredevil act of the applicants of kidnapping of 5 years old girl child from the custody of her mother in a daylight, who was later recovered from their possession, the ransom demanded by them on threat, without commenting on merits of the case, I am not inclined to grant bail to the applicants.
6. Accordingly, the application being without any substance is hereby rejected.

Sd/-
(Gautam Chourdiya)
Judge

Nadim