

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 128 of 2021**

- Vishwajeet @ Raja Kurrey, aged about 22 Years, S/o Ramfal Kurrey, R/o Village Thadgabahara, P.S. Baloda, District Janjgir Champa (Chhattisgarh).

---- Applicant

Versus

- State of Chhattisgarh, Through S.H.O., P.S. Baloda, District Janjgir Champa Chhattisgarh.

----Non-applicant

For Applicant	Shri Ravindra Sharma, Advocate.
For State	Shri B.L. Sahu, P.L.
For Intervener	Shri Vaibhav A. Goverdhan, Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

10/02/2021

1. The applicant has preferred this application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.289/2020 registered at Police Station- Baloda, District Janjgir-Champa, C.G. for the offence punishable under Sections 363 & 364(A) of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 04.11.2020 applicant alongwith co-accused Atual @ Ankit Khandekar took the minor boy from the lawful custody of his guardianship and demanded ransom of Rs.5 lakhs. It is further alleged that co-accused kidnapped the minor boy with the help of applicant. On report being lodged to the above effect, the aforesaid offence have been registered against the applicant.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He also submits that no case is made out against the applicant as alleged by the prosecution because the applicant has not kidnapped the minor boy but he helped the family members of the victim while searching the minor boy. He submits that father of the said minor boy namely Rajendra Kumar Kurrey has also executed an affidavit before the trial Court to the effect that the applicant is not involved in commission of the offence and in fact he was facilitating the complainant in tracing the minor boy. Here also the complainant has filed an application I.A. No.01/2021 for intervention where he has stated on affidavit that he has no objection to release of the applicant on bail as the matter has been amicably settled between them. The applicant is in custody since 05.11.2020 and conclusion of the trial is likely to take some time. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Counsel appearing for the Intervener submits that he has no objection to release of the applicant on bail.
6. Considering the facts and circumstances of the case, the fact that there is no allegation against the present applicant regarding abduction or demand of ransom, all these allegations are against the co-accused namely Atul @ Ankit Khandekar from whose custody the abducted minor boy was recovered, the detention period of the applicant, charge sheet has already been filed and there is no objection on behalf of the complainant to release of the applicant on

bail, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

- (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- (ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (iv) he shall not involve himself in any offence of similar nature in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh