

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8950 of 2021**

1. Dhiraj Das Manikpuri S/o Shri Arun Das Manikpuri Aged About 19 Years R/o Kibi Balsenga, Police Station - Benur, District- Kondagaon Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Police Station-Kondagaon, District -Kondagaon Chhattisgarh.

----Respondent

For Petitioner	:	Mr. D. K. Gwalre, Advocate.
For Respondent	:	Mr. P. Acharya. P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****20.12.2021**

1. Present is a first bail application filed under Section 439 of CrPC seeking for grant of bail to the applicant who was arrested on 17.08.2021 in connection with Crime No. 296/2021 registered at, Police Kondagaon, for the offence punishable under Section 364-A of the I.P.C.
2. The applicant is accused in an offence of kidnapping of an eleven years old victim. The date of incident is of 16.08.2021 and the victim child was recovered on the very next date from the resident of the present applicant.
3. Learned counsel for the applicant submits that applicant's name does not find place in the FIR, neither does the name of the applicant reflect in the victim's statement. Thus, the present

applicant also does not seem to have been involved in the act of kidnapping as per the statement of the child victim himself. Further contention of the counsel for the applicant is that the present applicant has not been subjected to test identification or for that matter has been identified by the trial victim till now. Therefore, considering the period of custody already undergone and also the fact that he has not been involved in the said offence, the applicant be released on bail.

4. The State Counsel however opposing the bail application submits that it is a serious offence, which has been committed by the applicant. The gravity of the offence and the fact that the victim has been recovered from the house of the present applicant, he does not deserve to be released on bail.
5. Considering the entire facts and circumstances of the case and also taking note of the fact that the child victim was recovered from the house of the present applicant, no case for grant of bail is made out. Accordingly, the present MCRC stands rejected.

Sd/-

P. Sam Koshy
Judge