

Hublal Sonwani vs State Of Chhattisgarh on 27 July, 2021

1

M.Cr.C. No. 4701 of 2021

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 4701 of 2021

Hublal Sonwani S/o Laxmi Prasad, aged about 35 years, R/o village Kudkela, Tahsil Batauli, District Surguja at present R/o Shivam Mines Chhal Tahsil Dharmjaygarh, District Raigarh (C.G.) (Name of village wrongly mentioned in Annexure-A/1)

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station - Punjipatra, District Raigarh (C.G.)

---- State/Non-applicant

For Applicant : Shri Raj Bahadur Singh, Advocate
For Non-Applciant/State : Ms. Deepti Shukla, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

27.07.2021

1.

The application is heard through Video Conferencing.

2. The applicant has preferred this second bail application under Section 439 of Cr.P.C. as he is in jail since 16.10.2020 in connection with Crime No. 206/2020 registered in Police Station Punjipatra, District Raigarh (CG) for the offence punishable under Sections 363, 364A, 511 read with Section 34 of IPC.

3. The first bail application of the applicant was rejected on merits vide order dated 01.02.2021 passed in M.Cr.C. No. 9319/2020 by this Court.

4. Prosecution story in brief is that the present applicant and co-accused namely Vishwanath Tigga 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.

5. Learned counsel for the applicant submits that the allegation against the applicant is false and fabricated, he has been falsely implicated in this case. He submits that there is no direct proof of applicant's involvement in the alleged crime. He also submits that applicant is in jail since 16.10.2020, charge-sheet has already been filed, conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.

6. On the other hand, learned State Counsel opposes the prayer for grant of bail and submits that prima-facie case is made out against the applicant because he and co-accused Vishwanath Tigga have kidnapped 5 years old girl child from complainant/mother, however, the applicant has no criminal antecedents. She further submits that the second bail application of co-accused Vishwanath Tigga was rejected on merits vide order dated 09.07.2021 passed in M.Cr.C. No. 2785/2021 by this Court.

7. Considering the facts and circumstances of the case, looking to the fact that the first bail application of the present applicant has been rejected on merits by this Court and second bail application of co-accused Vishwanath Tigga has also been rejected on merits by this Court, charges have been framed against the applicant and co-accused, trial is in progress in this case and in near future case is likely to be disposed of by the trial Court, the evidence so far recorded before the trial Court cannot be appreciated at this stage by this Court, the gravity of offence, there is no change in circumstances, I am not inclined to grant bail to the present applicant.

8. Accordingly, this second bail application is dismissed.

Sd/-

(Gautam Chourdiya) Judge vatti