

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6547 of 2015

Sandeep Toopo, S/o. Vijay Toppo, Aged About 33 Years, R/o. Muktipara Ward No.4, Ambikapur, Tah. & P.S. Ambikapur, Distt. Surguja, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Rajpur, Distt. Balrampur Ramanujganj, Chhattisgarh

---- Respondent

For Applicant : Mr. Vineet Kumar Pandey, Advocate

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.106/2015 registered at Police Station- Rajpur, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 363, 366, 376(2) of Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act.
2. As per the prosecution case, in brief, the prosecutrix who was minor was enticed by the other co-accused namely Bhakti Bhushan on the pretext of marriage and with the help of this applicant, they fled away to different places and it is alleged that the present applicant has committed the offence alongwith other co-accused.
3. Learned counsel for the applicant submits that the prosecutrix was in relation with one Bhakti Bhushan and this applicant has only

traveled alongwith Bhakti Bhushan and prosecutrix and no further allegations have been made against this applicant. He further submits that taking into nature of allegation leveled against this applicant and the fact that no charges of rape has been made against him, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that the charge sheet has been filed, which contains the statement under Section 164 of Cr.P.C. wherein the prosecutrix stated that she of her own called the other co-accused Bhakti Bhushan as she used to like her and thereafter on 22.07.2015 she went alongwith Bhakti Bhushan and the present applicant on the motorcycle, therefore, taking into the statement under Section 164, without any observation on merit, for the purpose of bail, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge