

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5224 of 2015**

1. Bifan Kujur, S/o Mohar Sai, aged about 55 years,
2. Baran Toppo @ Ramkaran, S/o Late Punai Toppo, age about 45 years.

Both are resident of village Manik Prakash Pur, Police Station Ambikapur, District Sarguja (C.G.)

---- Applicants

Versus

State Of Chhattisgarh, Through: Station House Officer,
Police Station : Ambikapur, District: Sarguja (C.G.)

---- Non-applicant

For Applicant: Mr. R.C. Shukla, Advocate.

For Non-applicant/State: Mr. Arvind Dubey, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****06/10/2015**

Heard.

(1) The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 342/2015 registered at Police Station Ambikapur, Distt. Sarguja for the offences punishable under Sections 363, 366 & 376/34 of the Indian Penal Code and under Sections 3 & 4 of Protection of Children from Sexual Offence Act, 2012.

(2) Case on the prosecution, in brief, is that applicant & co-accused Anil Toppo abducted the minor prosecutrix and

committed sexual intercourse with her against will and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that neither he has abducted the prosecutrix nor he has committed sexual intercourse with her; and only allegation against the applicant is that he assisted the co-accused in abduction of prosecutrix. He further submits that applicant is in jail since 14.07.2015; and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, Counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; role of the present applicant in the offence in question; further considering his pre-trial detention and the fact that charge sheet has already been filed; this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

(6) Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)

Judge

D/-

