

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1726 of 2017

Premal Toppo, aged about 21 years, S/o Shri Chalitra Toppo, R/o Village Mariyampara, Police Station Balrampur, Distt. Balrampur-Ramanujganj (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Balrampur, Distt. Balrampur-Ramanujganj (C.G.)

---- Non-applicant

For Applicant:	Mr. Arun Shukla, Advocate.
For Non-applicant:	Mr. Neeraj Mehta, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

28/03/2017

1. Heard the matter finally.
2. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.70/2016, registered at Police Station Balrampur, Distt. Balrampur-Ramanujganj, for the offence punishable under Sections 363, 342, 376 (2) (i) of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Learned counsel for the applicant would submit that the applicant was arrested by the Balrampur Police, Civil District Sarguja at Ambikapur in connection with Crime No.70/2016 and charge-sheet has been filed which was registered as Special Sessions Case No.30/2016 pending before the Additional Sessions Judge, Ramanujganj under Sections 363, 342, 376 (2) (i) of the IPC and

also under Section 6 of the Protection of Children from Sexual Offences Act, 2012. Charges were framed and trial is going-on. The applicant is the first offender and the prosecutrix, who has been examined by the trial Court, has not said anything against the applicant. The applicant has good case for his release on bail during trial. Hence, the applicant may be enlarged on bail.

4. Per contra, learned State counsel would submit that the prosecutrix was aged about 12 years at the time of incident. The statements of other witnesses have to be examined. This is not the forum to appreciate the evidence adduced, as the trial is going-on. Looking to the entire facts, the application may be dismissed.
5. Perused the material which goes to show that the prosecutrix, minor by age, was kidnapped and was taken by the applicant to his house and she was subjected for wrongful confinement and rape more than once. On entire consideration of the material collected by the prosecution pending trial, I am not inclined to allow the instant M.Cr.C. Consequently, the instant M.Cr.C. is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge