

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 801 of 2017**

- Kaleshwar Toppo S/o Luta Toppo, Aged About 37 Years R/o Natwarnagar, Police Station Kushmi, District- Balrampur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Kushmi, District- Balrampur, Chhattisgarh.

---- Respondent

And**MCRC No. 7380 Of 2017**

- Vijay Yadav S/o Kapil Dev Yadav, Aged About 19 Years R/o Village Serangdaag, Thana Saamri, District Balrampur Ramanujganj, Chhattisgarh. (Father Name Is Not Complete Mention In Impugned Order)

---- Applicant

Vs

- State of Chhattisgarh Through Police Station Kusmi, District Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant in M.Cr.C. (A) No.801/2017 :	Ms. Sharmila Singhai, Advocate
For Applicant in M.Cr.C. No.7380/2017 :	Shri Akhat Kumar Yadav, Advocate
For Respondent-State :	Shri Surya Kant Mishra, P.L.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****13/12/2017**

1. Both these anticipatory and regular bail applications are decided together as they are arising out of the same crime number.

2. **MCRCA No.801/2017** is the bail application under Section 438 of the Cr.P.C. filed by the applicant Kaleshwar Toppo apprehending his arrest in connection with Crime No.51/2017 registered at Police Station Kushmi, District-Balrampur (C.G.) for the offence punishable under Sections 363, 370 of the I.P.C.
3. **MCRC No.7380 of 2017** is the bail application filed under Section 439 of the Cr.P.C. filed by the applicant Vijay Yadav for grant of regular bail as he is arrested in connection with Crime No.51/2017 registered at Police Station Kushmi, Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 363, 370 read with 34 of the I.P.C.
4. As per the prosecution case, one Sukanti Nagesiya lodged a report on 27.06.2017 that her son is missing since 27.05.2017. Thereafter, her son namely Tileshwar Nagesiya came back on 05.07.2017 and it was revealed that at the instance of Vijay Yadav, Seema Agaria & Ashish Bunkar, he went to Delhi along with them, thereafter they came in contact with Kaleshwar Toppo, who was in a placement agency and the victim Tileshwar was placed for some household job, however, he did not do it. Thereafter, he was employed in a thread factory at Panipat and when he expressed to come back, it was told by Kaleshwar Toppo that Vijay Yadav has taken some amount and if the same is returned he can go.
5. Ms. Sharmila Singhai, learned counsel for the applicant Kaleshwar Toppo would submit that the applicant has not committed any offence instead the boy reached to him, he had deployed him in the job and he was sent to different places at Panipat but he did not do the job and wanted to come back. Thus, no offence has been committed by this applicant, therefore, he may be given benefit of anticipatory bail.

6. Shri Akhat Kumar Yadav, learned counsel for the applicant Vijay Yadav would submit that the victim himself has went along with the applicant and thereafter the victim was not kept in captivity perforce. He would further submit that the charge-sheet in this case has been filed, therefore, the applicant may be released on bail.
7. Per contra, learned State counsel opposes the prayer for grant of bail.
8. I have perused the case-diary and the statement of the victim Tileshwar and the statement of his mother. Considering the statement of the victim Tileshwar recorded under Section 161 of the Cr.P.C. and the nature & degree of the allegations, I am inclined to allow both the anticipatory & the regular bail.
9. Accordingly, anticipatory bail application bearing MCRCA No.801/2017 is allowed and it is directed that in the event of arrest of the applicant Kaleshwar Toppo, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - (i) that the applicant shall make himself available for interrogation before the investigation officer as and when required;
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
10. Bail application bearing M.Cr.C. No.7380/2017 filed under Section 439 of

Cr.P.C. is also allowed and the applicant Vijay Yadav is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri

Judge

Ashu