

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2201 of 2018

- Mahipat Toppo S/o Late Nohar Sai Toppo Aged About 28 Years Caste- Uraon, R/o- Mangora (Kotesarpara), P.S. Khadgawan, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Khadgawan, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant : Dr. Shailesh Ahuja, Advocate.
For Respondent : Mrs. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

09/05/2018

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.197/2017, registered at Police Station– Khadgawan, District– Korea (C.G.) for the offence punishable under Sections 456, 363, 366 & 376 (2) (d) of Indian Penal Code (for short 'IPC') and Sections 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 15.2.2018. Charge-sheet has been filed after completion of investigation. No case is made out against this applicant. Main accused in this case is co-accused Veershattam. The only allegation against this applicant is this that after the incident that had taken place, he searched the prosecutrix

and brought her to his own house where the main accused again visited and raped the prosecutrix. This applicant has played no role in the commission of offence that had been committed by the main accused.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, FIR has been lodged by minor prosecutrix on 28.10.2017 alleging in it that on the fateful night when she was sleeping in her house, main accused Veershattam came there and committed rape with her. The said act of accused was seen by her younger brother and therefore, due to fear, she fled from the house. Present applicant had searched her and took her to his house and there also main accused used to commit rape with her on the pretext of marrying her.
6. Considered on the material present in the case diary and the fact whether this applicant has abetted the commission of offence by the main accused is a question which shall be determined by the trial Court. Hence, I am of this view that present applicant is entitled to be released on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha