

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2330 of 2018**

Lalit Toppo, S/o Shri Jaldhari Toppo, Aged about 30 years, By Caste Uraon,
Occupation – Agriculturist, R/o Village & Post – Karsi, Thana Pratappur, Civil
and Revenue District Surajpur (C.G.) **---- Applicant**

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station -
Rajpur, Civil and Revenue District Balrampur (C.G.)

---- Non-applicant

For Applicant	:	Mr. Sunil Sahu, Advocate.
For Non-applicant/State	:	Mr. Ratan Pushty, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****07/05/18**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who have been arrested in connection with Crime No.42/2017 registered at Police Station Rajpur, District Balrampur (C.G.) for the offence punishable under Sections 363, 366(A), 376(2)(Dha), 114 of the IPC and Section 5 (Tha)/6 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution, in brief, is that co-accused Sumat Lal Kujur has committed rape with the prosecutrix whereas the applicant only accompanied the prosecutrix and co-accused upto Ambikapur and thereby committed the aforesaid offence.

4. Learned counsel for the applicant would submit that the applicant has

not committed any offence and has been falsely implicated in crime in question, no allegation of rape against the applicant, the applicant is in jail since 25-05-2017 and no useful purpose will be served by detaining him in jail, therefore, he may be released on regular bail.

5. On the other hand, learned counsel for the State would oppose the bail application.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts and circumstances of the case, further taking into consideration the nature and gravity of the offence, there is no allegation of rape against the applicant and he is in custody since 25-05-2017, this Court is of the opinion that present is a fit case in which the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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/-
(Sanjay K. Agrawal)
Judge