

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3183 of 2018**

Deepak Toppo, S/o. Dominik, Aged About 24 Years, R/o Village Lefri, P. S. Chalgali, District Balrampur Ramanujganj Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through: The Station House Officer, Police Station Chalgali, District- Balrampur -Ramanujganj Chhattisgarh.

---- Respondent

For Applicant	: Mr. Nishikant Sinha, Advocate
For State/respondent	: Mr. Ashok Swarnakar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****02/07/2018**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.49/2017, registered at Police Station – Chalgali, District – Balrampur-Ramanujganj (C.G.), for the offence punishable under Section 363, 366, 376 (2) (n), 417 of I.P.C. and Section 4, 5(L), 6 of POCSO Act. The first bail application was dismissed as withdrawn with liberty to revive the same after examination of the prosecutrix.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 05.08.2017. Charge-sheet has been filed after completion of investigation. No case is made out against this applicant. The prosecutrix has been examined before the trial Court and she has not supported the case of the prosecution. Hence, it is prayed that the

applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix is a minor on the date of incident, hence, this applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, this applicant abducted the minor prosecutrix and raped her.
6. Considered on the submissions made and the contents of the case diary and also perused the certified copy of the deposition of the prosecutrix before the trial Court, in which she has not at all supported the case of the prosecution and has been declared hostile. Hence, looking to this development, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge