

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 7447 of 2017**

Anil Toppo S/o Late Basantlal, aged about 20 years, R/o Village Kerata,
PS Pratappur, District Surajpur, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh through S.H.O. Police Station Pratappur, District
Surajpur, Chhattisgarh

---- Respondent

For Applicant : Shri Rahul Mishra, Advocate
For Respondent/State: Shri Lav Sharma, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****02/01/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who has been arrested in connection with Crime No. 154/2017 registered at Police Station Pratappur, District Surajpur (CG) for the offence punishable under Sections 363, 366(a), 354 of IPC and Section 8 of Protection of Children from Sexual Offences Act. The applicant is in jail since 14.09.2017.

2. The case, as per the prosecution, against the applicant is that he is said to have abducted the prosecutrix, a minor girl and taken her to different places before she was recovered.

3. Counsel for the applicant submits that a plain reading of the statement of the prosecutrix recorded during the course of investigation by itself would reveal that the applicant and the prosecutrix were having love affair for quite sometime on account of which they mutually agreed for eloping from their houses which they did. Subsequently on the report

lodged by the father of the prosecutrix, the case has been registered against the applicant. Counsel for the applicant submits that for the aforesaid reasons, the applicant may be released on bail.

4. State counsel, however, opposes the bail application on the ground that the applicant knew the fact that the prosecutrix in the instant case was a minor girl and therefore, he could not have taken her along with him.

5. Considering the total facts and circumstances of the case, particularly the period of custody already undergone and also looking to the age of the prosecutrix as well as the applicant, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will 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 before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
JUDGE**