

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7035 of 2018**

Sanjay Kumar Toppo S/o Santosh Toppo Aged About 37 Years By  
Caste Uraon, R/o Village Sarbhoka, Police Station Patna, Tahsil  
Baikunthpur, District Korea Chhattisgarh, District : Koriya  
(Baikunthpur), Chhattisgarh .

---- Applicant

Versus

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

---- Respondent

|                   |   |                                  |
|-------------------|---|----------------------------------|
| For the Applicant | : | Shri D.N. Prajapati, Advocate    |
| For the State     | : | Shri A.K. Swarnkar, Panel Lawyer |

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**Hon'ble Shri Justice Sharad Kumar Gupta**

**Order On Board****26/10/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No.87/2018 registered at Police Station Patna, District Korea (C.G.) for the offence punishable under Sections 294, 506, 323, 326 of IPC.
3. Case of the prosecution, in brief is that prosecutrix is aged about 58 years old. She is resident of village Sarbhonka. On 25/04/2018 applicant had beaten and abused her, bit on her right cheek.
4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application. He further submits that there is no antecedents against the applicant.
6. Looking to the above mentioned facts and circumstances of the case,

looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, offence is triable by Judicial Magistrate First Class, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.

7. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of Rs. 25,000/- to the satisfaction of the trial Court concerned with the condition that he will not involve himself in any of the crime in future, he be released on bail.
8. Certified copy as per rules.

Sd/-  
**(Sharad Kumar Gupta)**  
Judge

Kamde