

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 1686 of 2018**

- Rahul Toppo S/o Shri Kunwar Toppo Aged About 25 Years Occupation Student, Permanent R/o Village Tolma, P. S. Lailunga, District Raigarh Chhattisgarh At Present R/o Sanjay Maidan, Rambhata, P. S. Kotwali, Raigarh Tahsil And District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgrh Through The Station House Officer, Police Station Lailunga, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

**---- Respondent**

---

For Applicant : Ms. Sharmila Singhai with Mr. Abhishek Saraf,  
Advocates.  
For Respondent : Mr. A. N. Bhagta, Dy. Adv. General.

---

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

**18/01/2019**

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.251/2018 registered at Police Station-Lailunga, District – Raigarh(C.G.), for the offence punishable under Sections 147, 294, 506, 323 & 456 of the IPC.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. The date and time of the incident, it is alleged that this

applicant had participated in the commission of offence, infact this applicant was not present at that place and he was present at Raigarh regarding which the applicant has produced some photographs from CCTV with date and time (22.10.2018, 9:52 pm) and onwards, which indicates his presence in Raigarh, therefore, it is clear that this applicant has been falsely implicated on account of previous enmity. Hence, it is prayed that this applicant may be granted anticipatory bail.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that no case is made out for grant of anticipatory bail. Further, it is stated that the CCTV photographs submitted have been verified and it has been found that applicant was present in the place at Raigarh on the date and time of incident.
4. Heard both the parties and perused the case diary.
5. It is alleged that this applicant along with the co-accused persons found an unlawful assembly and then committed house trespass in the house of the complainant-Lalit Ram Minj and then abused, threatened and assaulted him causing simple injuries. Hence, this case.
6. As the place of incident is Lailunga, which quite distant from Raigarh and physical possibility of applicant being in two places at the same time has to be explained, hence, after due consideration, I am inclined to grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the

concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge