

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7881 of 2019

Pankaj Toppo, S/o. Abraham Toppo, Aged About 22 Years, R/o. Bhandardipa,
Police Station Samaripat, District Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : The Station House Officer, Police Station
Samaripat, District Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pushkar Sinha, Advocate
For State/respondent	: Mr. Jitendra Shukla, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/12/2019

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.14/2019, registered at Police Station – Samaripat, District – Balrampur-Ramanujganj (C.G.), for the offence punishable under Section 376 of the Indian Penal Code. The first bail application of the applicant was dismissed as withdrawn vide order dated 28.08.2019 in M.Cr.C. No.5046 of 2019 with liberty to revive the same after examination of the prosecutrix.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. He has not committed any offence. The prosecutrix and her mother both have been examined before the trial Court, who have not made any statement against the applicant. Therefore, 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 mentally challenged and there is evidence against the applicant regarding commission of offence by him, hence, he 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 taking benefit of prosecutrix, who is mentally challenged person has ravished her and committed the offence of rape.
6. Considered on the submissions made and the contents of the case diary. Although the FIR has been lodged against the applicant by the mother of the prosecutrix but the mother of the prosecutrix has made different statement before the Court, therefore, 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