

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7611 of 2019**

- Mukesh Toppo S/o Shri Bandhura Toppo Aged About 22 Years R/o Village Badoli Jamdohar, P.S. Rajpur District Balrampur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Dhourpur, Distt. Surguja Chhattisgarh.

---- Respondent

For Applicant.	:	Ms. Sunil Sahu Sahu, Advocate.
For Respondent/State	:	Mr. Akhtar Hussain, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16.01.2020**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 62/2019 registered at Police Station : Dhourpur, District Surguja (C.G.) for the offence punishable under Sections 363, 366, 376(2)(n) of IPC and Section 5(B)/6 of the Protection of Children From Sexual Offences Act, 2012.
2. As per the prosecution case, complainant/brother of the prosecutrix lodged a missing report before the concerned police station stating that his sister went anywhere without informing the family members. After investigation, she was recovered from the possession of applicant and on the pretext of marriage, applicant committed sexual intercourse with the prosecutrix. After recording the statement of the prosecutrix, offence has been registered against the applicant and he has been arrested.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that there was love affair between the applicant and prosecutrix and with the consent of both of them they have made physical relations. He next submitted that prosecutrix has clearly stated in her 164 Cr.P.C. statement that she has willingly left her house to meet the applicant. As applicant is in jail since 25.09.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.
4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case, the detention period of the applicant and further considering the age of prosecutrix i.e. about 17 years, as trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 25,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

**Sd/-
(Rajani Dubey)
Judge**

Vijay Sahu