

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 244 of 2021

- Dr. Prasoon Kumar Toppo Son Of Ganpat Toppo Aged About 34 Years
R/o Village- Bachrapodi, Police Station Khadgava, District Korea
(Chhattisgarh), District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Gandhi Nagar, District
Surguja (Chhattisgarh), District : Surguja (Ambikapur), Chhattisgarh

---- Non-Applicant

For Applicant	:	Shri P.K. Patel and Shri Dashrath Kushwaha, Advocates
For Non-Applicant/State	:	Ms. Shubhra Shrivastava, P.L.
For Objector	:	Shri N.K. Sinha, Advocate

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

17/02/2021

1. This is the first 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 on 25.12.2020 in connection with Crime No.511/2020, registered at Police Station- Gandhi Nagar, Ambikapur, District-Surguja (C.G.) for the offence punishable under Sections 376, 506, 323 of the IPC.
2. Case of the prosecution is that on the pretext of marriage, the applicant maintained physical relations with the prosecutrix from 12.6.2014 to 24.10.2020 and during this period she became pregnant for 3 times, but the applicant aborted her child. Based on this, an offence has been registered and the applicant was arrested.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated and he has been falsely implicated in the case. He submits that the prosecutrix and

the applicant were in love affair since 2014 to 2020 and both are educated and working in govt. organization and they performed marriage in Arya Samaj Sanskar Kendra, Bilaspur on 15.9.2015, vide Annexure A2; and the prosecutrix was a consenting party. He submits that yet charge sheet has not been filed and no offence is made out against the applicant, therefore, at this stage, he may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State as well as learned counsel for the Objector oppose prayer for grant of bail.
5. Having considered the submissions made by learned counsel for the parties and the age and conduct of the prosecutrix and FIR is lodged after a long delay of 4-5 years; the detention period of the applicant and yet charge sheet has not been filed; and conclusion of trial is likely to take some time, without commenting on merits, I am inclined to grant bail to the applicant.
6. Accordingly, the bail application is allowed.
7. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-
 - (a) he 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 from disclosing such fact to the Court.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (d) he shall not involve himself in any offence of similar nature in future.

Sd/
(Gautam Chourdiya)
Judge