

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3919 of 2021

- Deepak Toppo S/o Rohit Toppo, Aged About 19 Years, R/o Muktipara, Below Shiv Mandire, Police Station Gandhi Nagar, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through : The Station House Officer, Police of Police Station Gandhi Nagar, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---Non-applicant

For Applicant – Mr. Shikhar Sharma, Advocate.

For Non-applicant/State – Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-08-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 04-04-2021 in connection with Crime No.171/2021 registered at P.S. - Gandhi Nagar, District Surguja, Chhattisgarh for the offence under Section 363, 366, 376 (D), 506 of the IPC and Section 6 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 04-04-2021. The only allegation present against this applicant in the prosecution case is this, that he had kissed the prosecutrix, therefore, it may be a case of outraging modesty only. The main accused in this case is a juvenile who had been granted bail by the Juvenile Justice Board, and the case against the applicant is lighter compared to the case against the juvenile offender. Hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that there is clear statement of allegation present against this

applicant regarding outraging modesty of the victim and also he is the person who and the juvenile offender had abducted the minor victim, therefore, he is not entitled for grant of bail.

4. The prosecutrix/victim has virtually appeared before this Court on 22-07-2021 and objected to grant of bail to the applicant.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, this applicant along with the juvenile offender abducted the minor victim/prosecutrix and then after taking her to a place this applicant kissed the prosecutrix on her body and the juvenile offender raped her. Hence, this case.

7. Considered on the submissions. Looking to this fact that there is no allegation of rape against this applicant and that the juvenile offender has been granted bail, I feel inclined to allow this application.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge