

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7052 of 2021**

Anshuman Toppo, S/o. Admon Toppo, aged about 28 years, R/o. Sahidand, Police Station Narayanpur, District Jashpur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station Narayanpur, District Jashpur, Chhattisgarh.

---- Respondent

AND**M.CR.C. No. 7089 of 2021**

1. Animanand Toppo, S/o. Patrik Toppo, aged about 29 years, Caste Uraon
2. Amit Ram, S/o. Hileshwar Ram, aged about 21 years, Caste – Lohar,
Both are R/o Sahidand, Police Station - Narayanpur, District Jashpur Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station Narayanpur, District Jashpur Chhattisgarh.

---- Respondent

For Applicants	: Mr. Akhtar Hussain, Advocate
For Respondent/State	: Mr. Ashish Tiwari, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****25/10/2021**

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and incident.
2. These are the second bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.03/2021, registered at Police Station – Narayanpur, District –

Jashpur (C.G.) for the offence punishable under Section 376 (घ), 313, 506, 34, 376 (3) of the Indian Penal Code and Section 4, 5, (छ), 5 (भ) II, 5 (र), 6 of Protection of Children from Sexual Offences Act, 2012 and Section 3 (2) (V) of S.T. & S.C. Act.

3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. The prosecutrix has been examined in the trial and she has not supported the prosecution case. Therefore, there is no case left against the applicants. Hence, it is prayed that the applicants may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail applications and the submissions made in this respect.
5. Prosecutrix is present before this Court on notice and she has no objection in grant of bail to the applicants.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. As per the prosecution case, it is alleged that the minor prosecutrix was abducted by these applicants and one co-accused. The minor prosecutrix was then gang raped and when the prosecutrix became pregnant, the applicant Anshuman Toppo administered her some herbal medicine, which resulted in the abortion of the pregnancy, subsequent to which, FIR has been lodged.
8. Considered on the submissions and also perused the certified copy of the deposition of the prosecutrix and on perusal of the same, it is found that she has not supported the prosecution case for which the prosecutor has declared her hostile witness, therefore, looking to the

development in the trial, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

9. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
10. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram