

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 5592 of 2016**

1. Dilbahar Toppo, S/o. Ram Lachchhu Toppo, aged about 26 years, Occupation- Service, R/o. Village- Vishunpur, Police Station – Sitapur, District – Surguja (C.G.)

----Applicant

**Versus**

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Darima, District – Surguja (C.G.)

---- Respondent

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| For Applicant        | : Mr. J.K. Saxena, Advocate             |
| For Respondent/State | : Ms. Shobha Kashyap, Dy.Govt. Advocate |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**20/09/2016**

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 in connection with Crime No.79/2016, registered at Police Station – Darima, District – Surguja (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 18.05.2016 a report was made that the applicant on the pretext of marriage from September, 2015 committed sexual intercourse and also kept the prosecutrix certain time in his house and thereafter married to someone else. Thereby on the pretext of marriage, committed forceful intercourse.
3. Learned counsel for the applicant submits that the prosecutrix was aged about 28 years and she was a consenting party. It is further submitted that the FIR has been grossly delayed and the applicant

has been falsely implicated in this case. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 19.05.2016, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the statement of the prosecutrix, she appears to be major. Considering the facts and circumstances of the case, without any further observation on merits 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 each in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

**Sd/-**  
**(Goutam Bhaduri)**  
Judge