

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 158 of 2016

Farsan Toppo, Aged about 55 years, S/o. Dhurmsay, R/o. of Village-
Raghunathpur, Thana & Tahsil- Patthalgaon, Civil and Revenue District
Jashpur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through:- Station House Officer, Police Station
Patthalgaon, Civil and Revenue District Jashpur (C.G.)

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent : Mr. Anant Bajpai, Penal Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25 / 01 / 2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 262/2015, registered at Police Station- Patthalgaon, District - Jashpur (C.G.) for the offence punishable under Sections 450, 294, 506-II, 323 and 376 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix, alleging that on 05.11.2015 at about 5 PM while the prosecutrix was standing out side of his courtyard, at that time, the applicant came and asked to come inside the room and when the prosecutrix denied then the applicant dragged the prosecutrix inside the room and committed forceful rape on her. Thereby, the offence is committed.
3. Counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that as per the

statement of the prosecutrix while the applicant was in the house, he called one Somari thereafter, Somari came and he has stated that the applicant and the prosecutrix were quarrelling each other. He further submits that the applicant is in jail since 08.11.2015, therefore, he may be enlarged on bail.

4. Per contra State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of the victim. Perusal of the case diary and the statement of the victim recorded under section 161 and 164 of Cr.P.C. wherein she supported the case of the prosecution. Considering the statement of the victim wherein she supported the case of the prosecution, therefore, I am not inclined to allow this bail application.
6. Accordingly, the bail application is dismissed.

Sd/-

(Goutam Bhaduri)
Judge