

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5838 of 2016

1. Farsan Toppo, S/o. Dhumsay Toppo, aged about 55 years, Caste-Uraon, R/o. Village-Raghunathpur, Thana – Pathalgaon, District – Jashpur (C.G.), Civil and Revenue District – Jashpur, District – Jashpur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, P.S. - Pathalgaon, District – Jashpur (C.G.)

---- Respondent

For Applicant	: Mr. Manoj Chauhan, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/09/2016

1. This is the second 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.262/2015, registered at Police Station – Pathalgaon, District – Jashpur (C.G.) for the offence punishable under Section 450, 294, 506-II & 376, 323 of Indian Penal Code. The first bail application was dismissed on 25.01.2016 in M.Cr.C.No.158/2016.
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 she was standing outside the 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 has been

committed.

3. Learned counsel for the applicant submits that prosecutrix in this case has been examined and she has not supported the case of the prosecution and the applicant has been falsely implicated in this case. 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, however, he is not able to dispute the fact that prosecutrix has not supported the case of the prosecution.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement prosecutrix, which shows that the prosecutrix has not supported the case of the prosecution. Considering her statement, 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