

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3615 of 2019

- Ram Prakash Toppo S/o Simal Toppo, Aged About 20 Years, Sakin Korima Police Station Dhaupur District Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Arakshi Kendra Lundra, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

----Non-applicant

For Applicant – Shri Sanjay Pathak, Advocate.

For Non-applicant/State – Shri Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-07-2019

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 30-09-2018 in connection with Crime No.130/2018 registered at P.S. - Lundra, District Surguja, Chhattisgarh for the offence under Section 363, 366, 376(2)(n) of the IPC and Section 5(L), 6 of POCSO Act.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 30-09-2018. No case is made out against this applicant. The prosecutrix has been examined before the Court below and she has not made any statement against this applicant because of which she has been declared hostile by the prosecutor. Therefore, under this circumstance, the applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and then committed offence of rape with her on

numerous occasions within a period of one month during which both of them lived together which amounts to offence of rape. .

6. Perused the certified copy of the deposition of the prosecutrix filed along with the application which shows that she has not supported the prosecution case and as she happens to be main witness and she has turned hostile, therefore, this is circumstance in favour of the applicant, hence, I feel inclined to allow this application.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge