

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5442 of 2020**

- Sishnath Toppo S/o Jeevan Toppo, Aged About 20 Years, Caste Uarav, R/o Village Taparkela Lutenpara P.S.-Darima, Tehsil Ambikapur, District-Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

**---- Applicant**

**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station Lundra Outpost Raghunathpur, District - Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

**---- Non-applicant**

---

For Applicant – Shri Nishi Kant Sinha, Advocate.

For Non-applicant/State – Shri D.P. Singh, Deputy Advocate General.

---

**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**19-11-2020**

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 18-06-2020 in connection with Crime No.08/2020 registered at Police Station – Lundra Outpost Raghunathpur, District - Surguja, Chhattisgarh for the offence under Section 363, 376 of the IPC and Section 4, 6 of POCSO Act, 2012.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix is not minor, ground of her minority shall be challenged by the applicant in the trial. The statement of the prosecutrix under Section 164 of the Cr.P.C. discloses the affair and relation of the applicant with her, therefore, no case is made out against the applicant. Hence, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix has made clear allegation regarding commission of offence of rape by the applicant. Therefore, no case is made out for grant of bail.

4. Heard learned counsel for the parties and perused the documents.

5. As per prosecution case, it is alleged that this applicant abducted the minor prosecutrix and then on pretext of marrying her he has exploited her sexually on number of occasions until she was recovered from his custody by the police.

6. Considered on the submissions and the facts of the case and also considered on the statement that has been given by the prosecutrix under Section 164 of the Cr.P.C. and on that basis, 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**