

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 564 of 2021**

- Aalok Toppo S/o Prerit Toppo, Aged About 23 Years, R/o Kusumtal, Kuteria, Thana- Kanshabela, District Jashpur (Chhattisgarh), District : Jashpur, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh, Through Police Station Kotwali, District - Korba (Chhattisgarh), District : Korba, Chhattisgarh

**---- Non-applicant**

For Applicant – Shri Arvind Prasad, Advocate on behalf of Shri Samir Singh, Advocate.

For Non-applicant/State – Shri Gurudev I. Sharan, Govt. Advocate.

**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order on Board**

**04-03-2021**

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 30-11-2020 in connection with Crime No.1046/2020 registered at Police Station – Kotwali, District - Korba, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and under Section 6 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The prosecutrix had willingly accompanied and had physical relation with the applicant regarding which she has made statement under Section 164 of the Cr.P.C. Therefore, there is no case against this applicant. Hence, it is prayed that he should be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the age of the prosecutrix was below 15 years and she has in her court statement clearly stated that the applicant raped her. Therefore, no case is made out for grant of bail.

4. Notice issued to the complainant, but there is no appearance and no representation on the date given, 26-02-2021.

5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant asked the minor prosecutrix for taking her to a ride. The applicant then took her to jungle where he raped her regarding which the FIR has been lodged.
7. Considered on the submissions. The prosecutrix has also been examined in the Court and she is not a hostile witness. Hence, looking to this circumstance, I do not feel inclined to allow this application.
8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby rejected.

Sd/-

**(Rajendra Chandra Singh Samant)**  
**Judge**