

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MISC. CRIMINAL CASE NO. 6753 OF 2017**

Dhiraj Kumar Kashyap S/o Late Madan Mohan Kashyap, Aged About 35 Years  
R/o Dabarpara, Ramnagar, in front of Company Garden, Bilaspur, Police Station  
Civil Line, District Bilaspur Chhattisgarh.

**... Applicant**

**Versus**

State of Chhattisgarh Through Police Station Sarkanda, District Bilaspur  
Chhattisgarh.

**... Respondent**

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| For Applicant        | : | Shri Raj Kumar Gupta, Advocate. |
| For Respondent-State | : | Shri Gary Mukhopadhyay, Dy. GA. |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**06/12/2017**

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 21.05.2017 in connection with Crime No.351 of 2017 registered at Police Station Takhatpur for the offence punishable under Sections 363,366,376 IPC and Sections 3 & 4 of POCSO Act.
2. As per prosecution, the applicant knowing fully well that the prosecutrix was minor, is said to have abducted and taken her to different places and also had physical relationship with the prosecutrix.
3. Learned Counsel for the applicant submits that the prosecutrix in the instant case has been examined before the trial court where she has not supported the case of the prosecution and have turned hostile, and therefore the applicant may be released on bail.
4. State counsel does not dispute that submissions made by the counsel for the applicant on verification of case diary.

5. Given the said factual matrix of the case where the prosecutrix has not supported the case of the prosecution and have turned hostile, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

**Sd/-**

(P. Sam Koshy)  
**Judge**