

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4370 of 2018**

- Sachin Kumar Kashyap S/o Nandram Kashyap Aged About 20 Years Caste- Kurmi, R/o- Village Salkhan, Police Station Shivrinarayan, Tahsil Navagarh, District- Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through- Police Station Hasoud, District- Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant	:	Shri Deepak Kumar Singh, Advocate
For Respondent/State	:	Shri Wasim Miyan, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****02/07/2018**

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 26.01.2018 in connection with Crime No.26/2018 registered at Police Station Hasoud, District Janjgir - Champa (CG) for the offence punishable under Sections 363, 366 & 376 IPC and Section 6 of the POCSO Act.
2. As per the prosecution case, a missing report was filed by the father of the prosecutrix on 15.01.2018 that the present applicant has enticed away the minor girl from the lawful custody of the parents and thereafter committed forceful sexual intercourse with the girl.
3. Learned counsel for the applicant submits that the applicant has been

falsely implicated. He further submits that the prosecutrix has been examined in this case before the Court below and she has not supported the case of the prosecution and even she has disowned the happening the of the incident, therefore, the applicant may be released on bail.

4. State counsel is not able to dispute the fact that the prosecutrix has not supported the case of the prosecution.
5. Perused the statement of the prosecutrix, wherein she has not supported the case of the prosecution. Considering the same without any observation on merits, I am inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri
Judge

Ashu