

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**MCRC No. 9776 of 2018**

- Dayaram Kashyap S/o Baiduram Kashyap Aged About 22 Years R/o Village Kalchha, Police Station Nagarnar, District Bastar Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

**Versus**

- State Of Chhattisgarh Through Police Station Nagarnar, District Bastar Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Non-applicant

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| For Applicant     | : Ms. Ankita Sriwas, Advocate. |
| For Non-applicant | : Mr. S. Jhanwar, Panel Lawyer |

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**Hon'ble Shri Justice Sharad Kumar Gupta**  
**Order On Board**

**16.01.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 106/2018 registered at Police Station – Nagarnar, District Bastar (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that on 21.06.2018 prosecutrix was more than 16 years old. She is resident of village Kalcha. She and applicant were liking each other. On 21.06.2018 he took her by enticing on pretext of marriage. He had committed repeated sexual intercourse with her.
4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
6. As per the certified copy of the statement of the prosecutrix, she had told in her examination in chief that applicant had not committed sexual intercourse with her.
7. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-  
(Sharad Kumar Gupta)  
**JUDGE**