CGHC010348062026 2026:CGHC:43662

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8290 of 2026

Nelaku Kashyap S/o Kamalu Kashyap Aged About 22 Years Resident Of Village Chidpal, Ashrampara Police Station Darbha, District Bastar Chhattisgarh. **... Applicant**

Digitally signed by ALLENA ANJANI KUMAR
Date: 2026.10.09 10:43:16 +0530

versus

State Of Chhattisgarh Through Station House Officer, Police Station- Darbha, District Bastar C.G. **... Non-Applicant**

For Applicant	:	Shri Purnchand, Advocate appeared through virtual mode.
For Non-applicant/State	:	Shri Akash Agrawal, Panel Lawyer.

(HON'BLE SHRI JUSTICE RAKESH MOHAN PANDEY)

Order on Board

08/10/2026

1. This is the **First bail application** filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.07/2026 registered at Police Station Darbha, District Bastar (C.G.), for the offence punishable under Sections 137(2), 87 & 64(1) of Bhartiya Nyay Sanhita, 2023 (for short, the BNS, 2023) and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for brevity, the POCSO Act, 2012).

2. As per the case of the prosecution, on 13.03.2026, father of the victim lodged a missing report at P.S. Darbha and during investigation, the

victim was recovered from the house of the applicant's maternal uncle. On such complaint/report, the police registered the offence as stated above.

3. Shri Purnchand, learned counsel for the applicant would contend that the victim has already been examined and she has been declared hostile. He would contend that the victim in her examination-in-chief, has stated that there was love relationship between them and they wanted to marry, but their parents were not ready. He would contend that as per the deposition of victim, she wanted to maintain relationship with the applicant. He would further submit that the victim, in para – 13 of her deposition, has stated that the applicant never committed alleged offence forcibly. He would further contend that the applicant is in jail since 16th March, 2026; he has no criminal antecedents and conclusion of the trial is likely to take some considerable time. Therefore, he would pray that the bail application may be allowed and the applicant may be enlarged on bail.

4. On the other hand, Shri Akash Agrawal, learned counsel for the State would oppose the submissions advanced by the learned counsel for the applicant. He would submit that on the date of incident, age of the victim is 16 years and thus she was not legally competent to give her consent. He would contend that the victim has made serious allegations of sexual assault against the applicant, therefore, the bail application deserves to be rejected.

5. Victim along with her father appeared through virtual mode from DLSA and raised serious objection in releasing the applicant on bail.

6. I have heard learned counsel appearing for the parties and perused the case diary as well as the documents placed along with the bail application.

7. Having considered the fact that the investigation has already been completed; the the applicant is in jail since 16.03.2026; the victim has been examined and she has partially supported the case of the prosecution; her deposition that she willingly accompanied the present applicant and wanted to maintain relationship with the applicant, but her parents were not ready; the submission that the dispute has been settled between the parties; further considering that the charge-sheet has already been filed and conclusion of trial may take some considerable time, without making any observation on merits of the matter, I am inclined to grant bail to the applicant. Accordingly, the instant bail application is **allowed.**

8. It is directed that the applicant shall be released on bail on his furnishing a **personal bond** in sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court;

(ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, &

(iii) he shall appear before the trial Court on each and every

date given to him by the said Court till disposal of the trial.

9. The observation made herein above is for the purpose of deciding this bail application only and the trial Court shall decide the case on its own merits.

Sd/-

(Rakesh Mohan Pandey)
JUDGE

Anjani