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**(2018) 07 CHH CK 0147**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case (MCRC) No. 4370 Of 2018

Sachin Kumar Kashyap

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

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**Date of Decision:** July 2, 2018

**Acts Referred:**

- Indian Penal Code, 1860 - Section 363, 366, 376
- Code Of Criminal Procedure, 1973 - Section 439
- Protection Of Children From Sexual Offences Act, 2012 - Section 6

**Hon'ble Judges:** Goutam Bhaduri, J

**Bench:** Single Bench

**Advocate:** Deepak Kumar Singh, Wasim Miyan

**Final Decision:** Allowed

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**Judgement**

Goutam Bhaduri, J

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.