



CGHC010130862026

2026:CGHC:39696

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 988 of 2026

1 - Basudev Yadav S/o Roopdhar Ram Aged About 37 Years Caste Mahkul Occupation Cook In Nagar Sena (Sdrf) Ambikapur, R/o Mati Pahar Chharra, Post Bhelwan, P.S. Tumla, Tehsil Farsabahar, Distt. Jashpur, Chhattisgarh.

...Appellant

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versus

1 - State Of Chhattisgarh Through The Station House Office, P.S. Kotwali (Mahila Thana) Ambikapur, Distt. Sarguja, Chhattisgarh.

---- Respondent

For Appellant : Mr. Sumit Shrivastava, Advocate

For State : Mr. Vivek Sharma, PL

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

10.09.2026

1. The applicant has preferred this Criminal Appeal under Section 14-A(2) of the SC/ST (Prevention of Atrocities) Act, 1989 for setting aside of order dated 10.03.2026 passed by the Special Judge (Atrocities Act), Ambikapur, District Sarguja (C.G.) and for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No. 73/2026, registered at Police Station- Kotwali (Mahila

Thana), Ambikapur, District Sarguja (C.G.) for the offence punishable under Sections 69 of BNS and Section 3((2)(v) of the SC/ST Act, 1989.

2. The prosecution case, in brief, is that the appellant and the victim are both employees of the Nagar Sainik Office, Ambikapur. The appellant is working on the post of Cook, whereas the victim is working as a Nagar Sainik. Both the appellant and the victim are married and have separate families. It is alleged in the FIR that the appellant, on the pretext of marriage, maintained physical relations with the victim for a considerable period and subsequently refused to marry her, pursuant to which the FIR was lodged. It is further alleged that the appellant, knowing very well the fact that the victim belongs to a Scheduled Tribe community, harassed her. On the basis of said complaint, the police registered an FIR against the appellant for the offences as stated above.
3. Mr. Shrivastava, learned counsel appearing for the appellant would argue that the appellant is aged about 37 years and is working as a Cook in the office of the Nagar Sainik, whereas the victim, aged about 35 years, is also working as a Nagar Sainik in the same office. He would contend that there was a consensual relationship between the appellant and the victim since 2021 and subsequently, on 04.02.2026, the victim lodged an FIR against the appellant alleging commission of sexual assault. He would submit that the appellant is innocent and has not committed any offence. He prays to allow this appeal.
4. On the other hand, learned counsel for the State opposes the

criminal appeal and the submission made by learned counsel for the appellant. He would submit that there are serious allegations against the appellant. He would contend that the appellant, knowing very well the fact that the victim belongs to a Scheduled Tribe community, sexually assaulted her on the pretext of marriage. He would further submit that, in view of the bar contained under Section 18 of the Act of 1989, the appellant is not entitled to the benefit of anticipatory bail. Therefore, the application deserves to be rejected.

5. I have heard learned counsel for the parties and perused the case diary.
6. Perusal of the case diary and the contents of the FIR would show that the appellant did not establish or maintain a relationship with the victim on account of her belonging to the Scheduled Tribe community. Rather, both the appellant and the victim were working in the same department, therefore, the bar contained in Section 18 of the Act of 1989 would not attract. Further, considering the fact that both the appellant and the victim are mature persons and they were in a relationship for a long period of about five years, and thereafter the FIR came to be lodged, and without expressing any opinion on the merits of the case, this Court, considering that the trial is likely to take some time and the appellant is working as Cook in the office of the Nagar Sainik, order dated 10.03.2026 passed by the Special Judge (Atrocities Act), Ambikapur, District Sarguja (C.G.) in Crime No. 73/2026, rejecting the application of the appellant filed under Section 482 of the BNSS is set aside.

7. Accordingly, the instant appeal is **allowed** and it is directed that in the event of arrest of the appellant – **Basudev Yadav**, on executing a personal bond with one local surety in the like sum to the satisfaction of the arresting Officer, he shall be released on bail on the following conditions:-

(a) 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.

(b) He shall not act in any manner which will be prejudicial to fair and expeditious trial.

(c) He shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

(d) The Applicant and the surety shall submit a copy of their adhaar card alongwith a colored postcard full size photo having printed the adhaar number on it, which shall be verified by the trial Court.

(e) He shall not involve himself in any offence of similar nature in future.

Sd/-

(Rakesh Mohan Pandey)
Judge

Rekha