



CGHC010160812026



2026:CGHC:28599

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3905 of 2026

Mahesh Kumar Mahilange S/o Harihar Prasad Mahilange Aged About 40 Years R/o Silphari P.S. Sirgitti Distt- Bilaspur (C.G.)

... **Applicant(s)**

versus

State Of Chhattisgarh Through Station House Officer, P.S. Sirgitti Dist- Bilaspur (C.G.)

---- **Non-Applicant(s)**

For Applicants : Mr. Akhtar Hussain, Advocate.

For Non-Applicant/State : Ms. Ritika Verma, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

09/07/2026

1. This is the Second 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. 479/2025 registered at Police Station- Sirgitti, District- Bilaspur (C.G.), for the offence punishable under Sections 64, 332, 115(2), 351(2) of BNS.
2. The earlier first bail application of the applicant being MCRC No.9807 of 2025 was rejected by this Court vide order dated 02.12.2025, on merits. Hence, this second bail application.

3. Case of the prosecution, in brief, is that on 08.09.2025 the complainant/victim lodged an FIR before concerned police station alleging therein that she is a married lady and she has four children out of which two are already got married and remaining two are working outside and her husband is a daily wager. And only victim and her husband is residing in her house and on 06.09.2025 at about 7:00a.m. when her husband gone for his work the present applicant entered into her house while calling her husband and when she said that her husband is not in the house, the present applicant locked the house from inside and started assaulting her and committed forcefully sexual offence with her. Thereafter on the basis of written complaint of the victim, aforementioned offences have been registered against the present applicant.
4. Learned counsel for the applicant submits that the first bail and second bail application of the applicant was rejected by this Court on merits and the new ground which has been raised in this second bail application is that the applicant has not committed any offence and there is no direct evidence connecting him with the alleged crime. It is further submitted that the applicant has no criminal antecedents and is in custody since 09.09.2025. Despite the order dated 02.12.2025 passed by this Court, the trial has not progressed fast and only two prosecution witnesses have been examined, therefore, there is no likelihood of its early conclusion. On these grounds, prayer is made to enlarge the applicant on bail.
5. On the other hand, learned counsel for the State opposes the bail application and submits that the earlier first bail application of the

applicant, i.e., MCRC No.9807 of 2025, was rejected by this Court on merits vide order dated 02.12.2025. It is further submitted that no substantial change in circumstances has occurred thereafter so as to warrant reconsideration of the applicant's prayer for bail. Learned State counsel further submits that the statement of the victim recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita clearly discloses that the applicant entered her house on the pretext of calling her husband, locked the house from inside when she informed him that her husband was not present, assaulted her and thereafter committed forcible sexual intercourse with her. It is also submitted that the MLC report corroborates the prosecution case, as multiple injuries were found on the body of the victim. Therefore, the grounds urged in the present second bail application do not warrant interference by this Court and the application deserves to be rejected.

6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, submission advanced by the counsel for the parties and upon perusal of the case diary and the material available on record, this Court finds that the earlier first bail application of the applicant, i.e., MCRC No.9807 of 2025, was dismissed on merits vide order dated 02.12.2025, wherein this Court had, inter alia, taken note of the injuries sustained by the victim while declining the prayer for bail. This Court further finds that no substantial change in circumstances has been brought on record warranting reconsideration of the applicant's

prayer in this second bail application. On the contrary, a report received from the learned Additional Sessions Judge (FTC), Bilaspur reveals that the statements of the victim and her husband have already been recorded on 30.04.2026 and the matter is presently fixed for recording the remaining prosecution evidence. The report further indicates that the evidence of the victim's son, her son-in-law and the concerned doctors could not be recorded only due to their non-appearance on the dates fixed, thereby indicating that the trial is at the verge of completion. Considering the nature and gravity of the allegations, the statement of the victim, the injuries sustained by her, the findings recorded while rejecting the earlier bail application on merits and the stage of the trial, this Court is of the considered opinion that no case for grant of bail is made out.

8. Accordingly, the second bail application of the applicant namely, **Mahesh Kumar Mahilange**, involved in Crime No. 479/2025 registered at Police Station- Sirgitti, District- Bilaspur (C.G.), for the offence punishable under Sections 64, 332, 115(2), 351(2) of BNS., is **rejected**.
9. Needless to say that the trial Court concerned is at liberty to proceed and conclude the trial expeditiously.
10. Office is directed to send a certified copy of this order to the trial Court for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice