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**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 3823 of 2026**

Ramesh Dhruw S/o S/o Late Itwari Ram Aged About 57 Years Village  
Kosambuda, Police Station Chhura, District Gariyaband, Chhattisgarh

**... Applicant****versus**

State Of Chhattisgarh Through Police Station Chhura, District Gariyaband,  
Chhattisgarh

**...Non-applicant**

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For Applicant : Mr. Mohammad Afroz Athar, Advocate appeared  
through V.C.

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

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**Hon'ble Shri Ramesh Sinha, Chief Justice****Order on Board****08.07.2026**

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.  
191/2025 registered at Police Station - Chhura, District Gariyaband,  
(C.G.), for the offences punishable under Sections 64(2)(k),115(2) of  
the BNS.

- 2.** As per the prosecution case, FIR No. 191/2025 was registered at Police Station Chhura, District Gariyaband (C.G.) for the offences punishable under Sections 64(2)(k) and 115(2) of the BNS against the present applicant. The FIR was lodged on the basis of a written complaint submitted by the 'Bhabhi' of the prosecutrix. It is alleged that on 13.12.2025 at about 05:00 PM, the prosecutrix disclosed that on the same day at around 03:00 PM, while she was walking on the road behind her grandmother, the applicant suddenly caught hold of her from behind, forcibly took her to a dilapidated/derelict house and committed forcible sexual intercourse. It is further alleged that the applicant threatened the prosecutrix with dire consequences in case she disclosed the incident to anyone. Thereafter, a village meeting was convened and subsequent to such meeting, the written complaint came to be filed, leading to registration of the FIR.
- 3.** Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to personal enmity. It is contended that there is an unexplained delay of four days in lodging the FIR, which creates serious doubt regarding the authenticity of the prosecution story and indicates that sufficient time was taken to falsely implicate the applicant. It is further submitted that, as per the prosecution case itself, the alleged incident occurred on 13.12.2025 at about 3:00 p.m., which was a weekly market day, when the prosecutrix was allegedly following her grandmother. In such circumstances, it is highly improbable that the alleged offence could have been committed in an open place on a public road in broad daylight. Learned counsel further submits that the medical evidence does not support the prosecution case, as no signs of recent sexual

intercourse were found, no semen stains were detected on the applicant's underwear, the FSL report has not been filed, and no incriminating material was collected from the alleged place of occurrence. It is also submitted that the applicant has a valid plea of alibi, as he is a vegetable vendor and was selling vegetables in the weekly market at the relevant time, which could have been verified from the CCTV footage of the market. Despite written representations made by the applicant's son before the Police Station Chhura and the Superintendent of Police, Gariyaband, requesting seizure of the relevant CCTV footage, the investigating agency failed to collect the same. It is further submitted that the applicant belongs to a Scheduled Tribe community, has no criminal antecedents, and is, therefore, entitled to be released on bail.

4. On the other hand, learned State Counsel appearing for the State opposed the bail application and submitted that the prosecutrix has made specific and categorical allegations against the applicant regarding the commission of forcible sexual intercourse, which are duly reflected in the FIR as well as in her statements recorded during the investigation. It was further submitted that the material collected during the course of investigation *prima facie* establishes the involvement of the applicant in the alleged offence. Learned State Counsel contended that the submissions advanced on behalf of the applicant regarding the delay in lodging the FIR, the improbability of the place of occurrence, the absence of medical corroboration, and the plea of alibi are all matters of evidence which can be examined only during the course of trial and cannot be adjudicated at the stage of consideration of bail. Considering the serious nature and gravity of

the allegations, the specific accusation made against the applicant, and the material available on record, it was prayed that the applicant is not entitled to the benefit of bail and that the present bail application deserves to be dismissed.

5. I have heard learned counsel for the parties and perused the case diary.
6. Having heard learned counsel for the parties and upon perusal of the case diary and the material available on record, this Court finds that the FIR contains specific allegations against the applicant regarding the commission of forcible sexual intercourse. The prosecutrix has categorically named the applicant and described the manner of occurrence. At this stage, the contentions raised by learned counsel for the applicant regarding the delay in lodging the FIR, the improbability of the place of occurrence, the absence of medical corroboration, and the plea of alibi are matters requiring appreciation of evidence and cannot be conclusively adjudicated in proceedings under Section 483 of the BNSS. It is well settled that in cases involving serious allegations of sexual offences, the statement of the prosecutrix carries substantial evidentiary value and cannot be discarded at the threshold. Considering the nature and gravity of the allegations, the specific accusation made against the applicant, and the material available on record, this Court is not inclined to extend the benefit of bail to the applicant. Accordingly, the application, being devoid of merit, is hereby dismissed.
7. Accordingly, the bail application of the applicant – **Ramesh Dhruw**, filed under Section 483 of the BNSS, involved in Crime No. 191/2025

registered at Police Station - Chhura, District - Gariyaband,(C.G.), for the offences punishable under Sections 64(2)(k),115(2) of the BNS, is **rejected.**

8. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

**(Ramesh Sinha)**  
**Chief Justice**

Vaibhav