



CGHC010223392026

2026:CGHC:44657

NADIM MOHLE
Digitally signed by
NADIM MOHLE
Date: 2026.10.16
10:36:55 +0530

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 5756 of 2026

Yashwant Kumar Nishad S/o Resham Lal Aged About 29 Years R/o Ward No.

04, Bich Basti, Gaghara, Police Station Kharsiya, Distt- Raigarh (C.G.)

NADIM MOHLE
Digitally signed by
NADIM MOHLE
Date: 2026.10.16
15:45:49 +0530

... Applicant

versus

State Of Chhattisgarh Through Station House Officer, Police Station Sarangarh, Distt- Sarangarh- Bilaigarh (C.G.).

... Non-Applicant

For Applicant : Ms. Seema Singh, Advocate
For Non-Applicant/State : Mr. Vivek Sharma, Panel Lawyer

Hon’ble Shri Justice Rakesh Mohan Pandey

Order on Board

15/10/2026

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 51/2026, registered at Police Station – Sarangarh, District – Sarangarh- Bilaigarh (C.G.), for offences punishable under Sections 64(2)(m) and 65(1) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. The case of the prosecution, in brief, is that the applicant established contact with the victim, proposed her for marriage, and on 24.05.2025 forcibly subjected her to sexual assault at her residence. Subsequently, on 27.10.2025, under the pretext of marriage and meeting his parents, the applicant took the prosecutrix to his house, committed sexual assault, and abandoned her at Sarangarh. The applicant threatened her to circulate her private photographs online. The matter was reported to the police on 02.02.2026 and thereafter, he was taken into custody.
3. Learned counsel appearing for the applicant submits that the applicant is innocent and has falsely been implicated in the present case to extort money. It is contended that there is an unexplained delay in lodging the FIR, as the first alleged incident occurred on 24.05.2025, the second on 27.10.2025, and the FIR was lodged only on 02.02.2026; the victim voluntarily accompanied the applicant, and relationship between them was consensual in nature. The applicant is in jail since 27.03.2026; trial has commenced; thus, he may be enlarged on bail.
4. On the other hand, learned State counsel vehemently opposes the bail application and submitted that there are serious allegations of sexual assault against the minor victim on the pretext of marriage. Further, the applicant has one criminal antecedent registered in the year 2018 under 36 (C) of CG Excise Act; thus, he is not entitled for grant of bail.
5. On 24.08.2026, the victim along with her mother appeared before this Court through Video Conferencing and raised strong objection to the release of the applicant on bail.
6. I have heard learned counsel appearing for the parties and perused the case diary.
7. In the present case, as per the educational records, at the time of incident, age of the victim was 16 years and 4 months and thus she was a child within the meaning of Section 2(1)(d) of the POCSO Act.

8. It is well settled law that when the victim is proved to be below the statutory age of consent, the consent, if any, given by the girl is wholly immaterial and of no legal effect.
9. Taking into consideration the nature and gravity of the allegations levelled against the applicant, there are direct and serious allegations of sexual assault against the applicant; the victim has already been examined before the learned Trial Court, wherein she has categorically supported the prosecution version and stated that the applicant subjected her to sexual assault on the false pretext of marriage; in her cross-examination, the victim has remained firm; further, the victim and her mother raised strong objection in release of the applicant on bail, this Court does not find it to be a fit case for grant of regular bail to the applicant. Accordingly, the bail application filed under Section 483 of the BNSS is **rejected**.

Sd/-

Rakesh Mohan Pandey

JUDGE

Nadim