



2026:CGHC:26311

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 5660 of 2026**

Rahul Sharma S/o Kishanchand Sharma Aged About 35 Years R/o Junheda, P.S. Tigaon, District- Faridabad (Haryana) Presently Confined In Central Jail, Raipur (C.G.)

... Applicant(s)**versus**

State Of Chhattisgarh Through Police Station Tikrapara, District - Raipur (C.G.)

... Respondent(s)

For Applicant(s) : Mr. Virendra Kashyap, Advocate

For Respondent(s) : Ms. Palak Dwivedi, Panel Lawyer

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****29.06.2026**

1. This is the First bail application filed under Section 483 of the BNSS for grant of regular bail to the applicant who has been arrested in connection with Crime No. 44/2026 registered at Police Station- Tikrapara, District - Raipur (C.G.) for the offence punishable under Section 64, 351(2), 115(2), 127 and 308(2) of the BNS.
2. The prosecution case, in brief, is that on the basis of a written complaint lodged by the victim, Police Station Tikrapara, District

Raipur, registered Crime No. 44/2026 against the applicant for the offences punishable under Sections 64, 351(2), 115(2), 127 and 308(2) of the Bharatiya Nyaya Sanhita, 2023. It is alleged that the victim was acquainted with the applicant and, on the date of the alleged incident, met him at a hotel situated within the jurisdiction of Police Station Tikrapara. According to the prosecution, the applicant assaulted the victim, forcibly established physical relations with her without her consent, criminally intimidated her and committed the alleged offences. During the course of investigation, the Investigating Officer recorded the statements of the victim and other witnesses under law, got the victim medically examined, collected the relevant documentary and medical evidence, and upon completion of investigation, filed the charge-sheet before the competent Court. Hence this present bail application.

- 3.** Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated. It is argued that the applicant has been in judicial custody since 16.01.2026, the investigation has been completed and the charge-sheet has already been filed, therefore, no further custodial interrogation is required. It is further submitted that the applicant and the victim were in a long-standing consensual relationship and were residing together as husband and wife. In support of the said contention, reliance is placed upon the official jail visitation records obtained under the Right to Information Act, wherein the victim is shown to have visited the applicant on several occasions describing herself as his wife. It is contended that these documents prima facie support the defence

version and the evidentiary value thereof can only be examined during trial. It is lastly submitted that the trial is likely to take considerable time to conclude and continued incarceration of the applicant would amount to pre-trial punishment hence, the applicant deserves to be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail and submits that the allegations against the applicant are grave in nature. It is contended that the statement of the victim recorded under Section 183 of the BNSS, 2023, fully supports the prosecution case. The victim has given a detailed and consistent account alleging that the applicant assaulted her, caused physical injuries, criminally intimidated her and forcibly established physical relations with her against her will. It is further submitted that the medical examination (MLC) of the victim also reveals injuries consistent with the allegations made by her, thereby lending corroboration to the prosecution case at this stage. It is, therefore, argued that in view of the gravity of the offences, the material collected during investigation and the medical evidence available on record, the applicant does not deserve the benefit of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the material available on record, particularly the statement of the victim recorded under Section 183 of the BNSS, 2023, which prima facie supports the prosecution case, and the medical examination report (MLC) corroborating the allegations,

this Court is not inclined to enlarge the applicant on bail at this stage. Though learned counsel for the applicant has relied upon the jail visitation records to contend that the parties were in a consensual relationship, the evidentiary value and effect of the said documents are matters to be examined during trial. At this stage, in view of the specific allegations made by the victim, the *prima facie* corroboration available from the medical evidence, and considering the gravity and nature of the offences alleged, this Court is of the view that it is not a fit case to enlarge the applicant on bail.

7. Accordingly, the bail application of the applicant- **Rahul Sharma** filed under Section 483 of the BNSS for grant of regular bail to the applicant who has been arrested in connection with Crime No. 44/2026 registered at Police Station- Tikrapara, District - Raipur (C.G.) for the offence punishable under Section 64, 351(2), 115(2), 127 and 308(2) of the BNS, is **rejected**.
8. Needless to say that the trial Court concerned, is at liberty to proceed and conclude the trial expeditiously.
9. Office is directed to provide a certified copy of this order to the trial Court concerned for necessary information and compliance.

Sd/-

(Ramesh Sinha)
CHIEF JUSTICE

Akhil