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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 5741 of 2026

Suraj Yadav S/o Shyam Lal Yadav Aged About 19 Years R/o Village Madanpur, Police Station Baloda, (Wrongly Mentioned In Bail Rejection Order As Village Madanpurhgarh, P. S. Balauda), District Janjgir Champa, Chhattisgarh.

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... Applicant

versus

State Of Chhattisgarh Through Station House Officer, Police Station - Janjgir, District Janjgir Champa (C.G.).

... Non-Applicant

For Applicant

: Mr. Rohan Sharma, Advocate

For Non-Applicant/State

: Ms. Ankita Shukla, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

15/10/2026

1. This is the second application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant, who is in custody in connection with Crime No. 56/2026, registered at Police Station – Janjgir, District – Janjgir-Champa (C.G.), for offences punishable under Sections 64(2)(m) and 87 of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.
2. The first regular bail application preferred on behalf of the applicant, M.Cr.C. No. 3457 of 2026, was dismissed for want of prosecution by the coordinate Bench vide order dated 30.04.2026, as there was no

appearance on behalf of the applicant when the matter was called for hearing.

3. Prosecution story in brief is that the applicant, knowing well that the victim was a minor, enticed her under the false pretext and assurance of marriage and, on multiple occasions commencing from 06.01.2026, subjected her to repeated sexual exploitation and aggravated penetrative sexual assault, without her consent and against her will.
4. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the crime; the prosecution has failed to establish the age of the victim. The victim was a consenting party and there was a love affair between the applicant and the victim. It is submitted that the allegations of forcible sexual intercourse are not supported by the medical evidence; trial has already commenced, the applicant is in jail since 19.01.2026; thus, the applicant may be enlarged on regular bail.
5. On the other hand, learned State counsel vehemently opposes the bail application and submitted that the allegations against the applicant involve heinous and aggravated penetrative sexual assault upon a minor, and looking to the gravity of the offence, he is not entitled to be enlarged on bail.
6. On 02.09.2026, the victim along with her sister appeared before this Court through VC and strongly objected to the grant of bail to the applicant.
7. I have heard learned counsel appearing for the parties and perused the case diary.
8. Considering the facts and circumstances of the case, it is evident that at the time of the incident, the victim was below 18 years of age; there are direct and serious allegations of sexual assault against the applicant; the victim has already been examined before the learned Trial Court as

PW-2, 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 and consistent.

9. 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.
10. Looking to the seriousness and gravity of the allegations, the evidence of the minor victim before the Trial Court, and the strong objection raised by the victim, this Court does not find it to be a fit case for grant of bail to the applicant. Accordingly, the second bail application filed under Section 483 of the BNSS is hereby **rejected**.

Sd/-

Rakesh Mohan Pandey

JUDGE

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