



CGHC010259382026



2026:CGHC:37435

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Date: 2026.08.21
11:02:38 +0530**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 6471 of 2026**

Gulsher Khan S/o Gulam Mohammad Khan Aged About 49 Years R/o Mana
Camp, P.T.S. Mana Raipur, District- Raipur, C.G. **...Applicant**

versus

State Of Chhattisgarh Through Station House Officer, Police Station- Supela,
District- Durg, C.G. **... Non-applicant**

For Applicant	: Mr. Ali Afzaal Mirza, Advocate.
For Non-applicant/State	: Ms. Ritika Verma, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****20.08.2026**

1. The applicant has preferred this First Bail Application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 746/2026, registered at Police Station : Supela, District - Durg (C.G.) for the offence punishable under Sections 69 & 351(2) of the BNS.
2. The prosecution case, in brief, is that the written complaint made by the complainant, that she got acquainted with the applicant since

2022, the complainant met the applicant, while she was searching for job and when she went to the office of Rahul Travels for the search of job where the complaint met the applicant, and since then the complainant and the applicant started talking by way of phone with each other, that on 16.11.2023 the complainant got sick, then the applicant came to visit the complainant, where the applicant told the complainant that the applicant is in love with her and the applicant wants to marry her, then the applicant made sexual intercourse with the complainant against her will. Subsequently, the applicant started visiting the complainant and on the pretext of marriage the applicant committed sexual intercourse with the complainant repeatedly. When the complainant asked the applicant for marriage, then the applicant started avoiding the complaint and the applicant also threatened the complaint that he will defame her and tarnish her reputation. The complainant informed about the incident to her friends, mother and brother, that the applicant has been committing sexual intercourse with the complainant since 2023 till 2026 on the pretext of marriage. On her report the FIR bearing crime no. 746/2026 for the punishable offence U/s 69, 351(2) of BNS 2023.

- 3.** Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is submitted that the complainant had borrowed a sum of Rs.8,71,030/- from the applicant for her personal needs during the period from 2023 to 2026 and, when the applicant demanded repayment, she started avoiding him. The applicant thereafter issued a legal notice dated 23.04.2026 demanding repayment of the said amount, which was

received by the complainant on 25.04.2026, and subsequently instituted a civil suit for recovery of Rs.5,04,000/- on 30.04.2026 in respect of the amount transferred through online transactions. It is further submitted that the said civil litigation is pending before the competent Court and that the applicant had also lodged a written complaint before Police Station Mana Camp on 25.04.2026 regarding threats allegedly extended by the complainant, which, according to the applicant, demonstrates her intention to falsely implicate him. Learned counsel further submits that the FIR was lodged only on 31.05.2026, after the issuance of the legal notice and institution of the civil suit, and there is a significant and unexplained delay in lodging the FIR, indicating that the allegations are an afterthought intended to pressurize the applicant to withdraw the civil proceedings and evade repayment of the borrowed amount. It is also submitted that the applicant's bank statement supports the transactions between the parties and that the complainant, being a major and capable of understanding the nature and consequences of her acts, allegedly maintained relations with the applicant on several occasions over the period from 16.11.2023 to 01.03.2026 but lodged the FIR belatedly, which, according to the applicant, casts serious doubt upon the prosecution version. Learned counsel also submits that the applicant has family responsibilities, particularly as his son is suffering from serious developmental and neurological conditions, and his continued incarceration would cause severe hardship to the family. On these grounds, it is prayed that the applicant may kindly be released on bail.

4. On the other hand learned State counsel State opposed the bail application of the present applicant and submits that the present

applicant on the pretext of marriage established physical relationship with the victim, therefore, he is not entitled for grant of regular bail.

5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature of the allegations levelled against the applicant, and the material available on record, including the FIR and the statements recorded under Section 183 of the BNSS, which *prima facie* indicate that the victim, being a major, was in a consensual relationship with the applicant in 2022, during which a physical relationship was established, and that thereafter the relationship could not materialize, leading to the lodging of the present FIR, and further taking into account the fact that the applicant has been in custody since 01.06.2026 and that the trial is likely to take considerable time to conclude, this Court is of the considered opinion that the applicant is entitled to be released on bail in the present case.
7. Let applicant - **Gulsher Khan**, involved in Crime No. 746/2026, registered at Police Station : Supela, District- Durg (C.G.) for the offence punishable under Sections 69 & 351(2) of the BNS., be released on bail on furnishing **personal bond with two local sureties** in the like sum to the satisfaction of the Court concerned with the following conditions:-
 - (i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

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

Sd/-

(Ramesh Sinha)
Chief Justice