



CGHC010260892026



2026:CGHC:29301

NAFR

KUNAL
DEWANGANDigitally
signed by
KUNAL
DEWANGAN**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 6181 of 2026**

Yash Sahu Son Of Shri Prem Lal Sahu Aged About 21 Years Resident
Of Village - Parsoda, Police Station - Korar, District - North Baster
Kanker (C.G.)

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

State Of Chhattisgarh Through Station House Officer, Police Station -
Kanker, District - North Baster Kanker (C.G.)

... Respondent(s)

For Applicant(s) : Mr. Palash Agrawal, Advocate

For Respondent(s) : Mr. Sourabh Sahu, Panel Lawyer

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****13.07.2026**

1. This is the second 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.16/2026 registered at Police Station- Kanker, District - North Baster Kanker (C.G.) for the offence punishable under Sections

126(1) r/w 3(5), 64(1) r/w 3(5), 296 r/w 3(5), 351 r/w 3(5) and 115(2) r/w 3(5) of the BNS.

- 2.** The prosecution case, in brief, is that on 08.01.2026 at about 4:00 PM, the victim, aged about 21 years, was allegedly returning from her nursing institute towards her house at Kanker on a scooty. It is alleged that the applicant Yash Sahu along with another co-accused intercepted her on the way, stopped her vehicle by removing the key, abused her, threatened her with dire consequences and allegedly dragged her towards a nearby agricultural field. It is further alleged that the applicant forcibly committed sexual assault upon the victim, while the co-accused assisted him. During the alleged incident, the brother of the victim in stated to have arrived at the spot, upon which the accused persons allegedly fled after threatening them. On the basis of the written complaint lodged by the victim, Crime No. 16/2026 was registered at Police Station- Kanker for offences under Sections 64(1), 126(1), 115(1), 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.
- 3.** Learned counsel for the applicant submits that the first bail application was dismissed on merits by this Court vide order dated 13.02.2026 passed in MCRC No. 1573/2026. It is submitted that the present second bail application is based on subsequent developments, namely that the victim has since been examined before the trial Court and, in paragraphs 17 and 18 of her cross-examination, has admitted that her complaint was typed by the

police and that there are material contradictions in her statements. It is further submitted that she has not fully supported the prosecution case. Learned counsel further contends that the parties were in a consensual relationship and that the present FIR was lodged after the victim's family opposed the relationship and fixed her marriage elsewhere. It is also submitted that the applicant had gone to the police station to report an assault by the victim's brother, but before he could do so, the present FIR came to be registered against him. On these subsequent developments and the progress of the trial, it is prayed that the applicant be released on bail. It is also submitted that co-accused namely Jitendra Kumar Sahu has already been granted bail by the learned trial Court vide order dated 13.01.2026, hence the applicant prays for grant of bail on the ground of parity.

4. On the other hand, learned counsel for the State opposes the bail application and submits that the first bail application of the applicant was rejected on merits by this Court vide order dated 13.02.2026 passed in MCRC No. 1573/2026, observing that a prima facie case was made out against the applicant and that the medical evidence corroborated the prosecution version. It is submitted that no substantial change in circumstances has occurred warranting reconsideration of the applicant's prayer for bail. Merely because the victim has been examined during trial does not dilute the prosecution case, and the contradictions pointed out are matters to be appreciated during final

adjudication. Therefore, considering the gravity of the offence and the material available on record, the present second bail application also deserves to be rejected. So far as the bail of co-accused is concerned, the allegations levelled against the present applicant is distinguishable in nature.

5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the rival submissions, the material available on record, and the reasons assigned while rejecting the first bail application, this Court is of the considered view that no such substantial change in circumstances has been brought on record so as to warrant reconsideration of the applicant's prayer for bail. The contradictions pointed out in the testimony of the victim are matters to be appreciated during trial and cannot, at this stage, be treated as sufficient to dislodge the prima facie case against the applicant. So far as the bail of co-accused is concerned, the allegations levelled against the present applicant is distinguishable in nature. In view of the nature and gravity of the allegations and the material available on record, this Court is not inclined to extend the benefit of bail to the applicant.
7. Accordingly, the bail application filed by the applicant/accused – **Yash Sahu** involved in Crime No. 16/2026, registered at Police Station- Kanker, North Baster Kanker (C.G.) for offences under Sections 126(1) r/w 3(5), 64(1) r/w 3(5), 296 r/w 3(5), 351 r/w 3(5) and 115(2) r/w 3(5) of the BNS, is **rejected** at this stage.

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 forthwith.

Sd/-

(Ramesh Sinha)
CHIEF JUSTICE

Kunal