



CGHC010296032026



2026:CGHC:37191

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 7065 of 2026**

Mahasakti Singh Tomar S/o Sangram Singh Tomar Aged About 41
Years R/o 481/6 /a Balco Nagar, Korba Distt- Korba (C.G.)

... Applicant**versus**

State Of Chhattisgarh Through Police Station Civil Line Rampur Korba
Distt- Korba (C.G.)

... Non-Applicant

For Applicant : Shri Anshul Tiwari, Advocate.

For Non-Applicant : Shri Sourabh Sahu, PL.

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

19/08/2026

1. This is the first bail application filed under Section 483 of the
Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail
to the applicant who has been arrested in connection with Crime
No.465/2026 registered at Police Station Civil Lines, Rampur,
Korba, District Korba (C.G.) for the offence under Section 376 (2)
(n) of the IPC.

KRISHNA KUMAR BARVE	Digitally signed by KRISHNA KUMAR BARVE Date: 2026.08.20 19:09:15 +0530
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2. The prosecution case, in brief, is that the applicant has repeatedly committed rape with the victim on the false promise of marriage in March 2023 while she was working as domestic helper. The FIR was lodged on 23.05.2026 at Police Station Civil Lines, Korba, leading to registration of Crime No.465/2026 under Section 376(2)(n) IPC. The accused was arrested on 11.06.2026. Hence the bail application.
3. It has been argued by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the crime. He has not committed any offence as alleged and the prosecution story is based upon false and misconceived allegations, which shall be tested during the course of trial. The alleged incident occurred on 10.03.2023 (or 10.05.2023 as per some documents), whereas the FIR was lodged only on 23.05.2026, after more than three years. Such extraordinary delay has not been satisfactorily explained and raises serious doubts requiring consideration at the stage of bail. The applicant has been falsely implicated in the present case due to monetary dispute with one Razzak Khan and because of the applicant's telephonic conversations with Razzak Khan's wife. The complainant, who was working as Razzak Khan's domestic help, has allegedly been used to lodge a false rape case against the applicant, his father, and his sister. The victim is a married woman and is living separately from her husband. The applicant has 2 criminal antecedents under the IPC and Excise Act, out of which one case has already been disposed

of and one case is pending. The applicant is in jail since 11.6.2026. Therefore, the applicant may be released on bail.

4. On the other hand, learned counsel appearing for the State/non-applicant would oppose the bail application and submit that the applicant has 2 criminal antecedents under the IPC and Excise Act, out of which one case has already been disposed of and one case is pending, and the charge sheet has been submitted against the applicant. Therefore, the bail application may be rejected.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, and the fact that the charge sheet has already been submitted against the applicant, there is delay of 3 years in lodging the FIR, the victim is a married woman and is living separately from her husband, the applicant has 2 criminal antecedents under the IPC and Excise Act, out of which one case has already been disposed of and one case is pending, which is mentioned in the bail application, the applicant is in jail since 11.6.2026. and conclusion of trial is likely to take some time, this Court is of the view that the applicant is entitled to be released on bail in the present case.
7. Let the Applicant – **Mahasakti Singh Tomar**, involved in Crime No.465/2026 registered at Police Station Civil Lines, Rampur, Korba, District Korba (C.G.) for offence under Section 376 (2)(n)

of the IPC, be released on bail on furnishing **personal bond** with **two 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 their counsel. In case of his absence, without sufficient cause, the trial court may proceed against them 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 applicants are 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 them in accordance with law.

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

Sd/-
(Ramesh Sinha)
Chief Justice

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