

MCRC No. 7037 of 2026



CGHC010297712026



2026:CGHC:39249

NAFR



HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7037 of 2026

1 - Nilesh @ Bittu Vasudev S/o Anup Vasudev, Aged About 20 Years, R/o Jhari, Post Jamuaar, P.S. Bahri, Tehsil Bahri, Distt. Sidhi, M.P.
(Description of the applicant mentioned as per charge-sheet)

... Applicant

versus

1 - State of Chhattisgarh Through P.S. Charama, Distt. North Baster Kanker, Chhattisgarh.

... Respondent

For Applicant :- Ms. Savita Tiwari, Advocate.

For State :- Mr. Rishiraj Pithwa, Dy. Government Advocate.

Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

07/09/2026

- Applicant has filed this **first bail** application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail as he has been arrested in connection with Crime No. 171/2025 registered at Police Station – Charama, District Kanker (C.G.) for offence punishable under Sections 137(2), 87, and 64(2)(M) of B.N.S. 2023, and also under Section 6 of the POCSO Act, 2012.

2. Case of the prosecution in brief is that mother of the victim made compliant stating that on 22.12.2025, some unknown persons have taken her minor daughter aged about 17 years 8 months. Victim was recovered from Raipur. After recovery of the victim she disclosed that the accused/applicant herein taken her from Hinganghat to Nagpur and from Nagpur to Pune. She has also disclosed that they used to work in the brick manufacturing unit and further stated that the applicant has committed sexual intercourse on the pretext of marriage and also played fraud with her as the applicant did not disclose his correct name and address. After two months applicant left the victim in Raipur. Applicant was arrested on 20.03.2026. Hence, this application.
3. Learned counsel for applicant would submit that applicant has not committed any offence and he has falsely been implicated in crime in question. She would also submit that the applicant is aged about 20 years and according to the applicant victim has stated that she was above 18 years, meaning thereby, victim is not minor. She would further submit that the victim was the consenting party as they used to work in the brick manufacturing unit and victim herself accompanied the applicant and travel to Pune by public transport and they lived together for two months. Applicant has no criminal antecedent. She would further submit that charge-sheet has been filed, out of 26 witnesses only one witness (victim) has been examined and the applicant is in jail since 20.03.2026, hence,

application may be allowed and the applicant may be enlarged on bail.

4. On the other hand, learned State counsel opposes the submission of learned counsel for applicant and would submit that looking to the gravity of offence, applicant is not entitled for grant of bail. He would also submit that the applicant has committed sexual intercourse by playing fraud as he has not disclosed his correct name and residence. Applicant is resident of Madhya Pradesh. He would further submit that the victim was minor at time of incident as according to dakhil khariz register date of birth of the victim is 13.04.2008.
5. Pursuant to the notice issued by this Court, victim along with her mother appeared before this Court through virtual mode from DLSA, Kanker. They submitted that they are having strong objection in granting bail to applicant.
6. I have heard learned counsel for the parties and considered their rival submission made herein above.
7. Taking into consideration, facts and circumstances of the case, nature of allegation, submission of learned counsel for the parties, out of 26 witnesses only one witness (victim) has been examined, and further the conclusion of the trial may take some more time, tender age of the applicant, without commenting anything on merits of the case, I am inclined to allow this bail application.

8. Accordingly, bail application is **allowed**. It is directed that the applicant shall be released on regular bail, upon furnishing a bail bond in the sum of ₹ 25,000/- with one surety in like sum to the satisfaction of the Court on the conditions that-

(a) 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.

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

(c) 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.

(d) 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.

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

Sd/-
(Parth Prateem Sahu)
Judge

Ankit