



CGHC010300982026



2026:CGHC:34532

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7199 of 2026

Mohd. Navsad Khan S/o Shri Mohd. Kudrat Kaji Khan Aged About 30 Years By Caste - Musalman, R/o Village- Kairi, Bhagalpur, District- Bhagalpur (Bihar) Presently Residing Of Sheetlapara Antagarh, District- North Baster Kanker (C.G.)

... Applicant

versus

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

... Non-Applicant

For Applicant : Shri Shreyansh Pathak, Advocate.

For Non-Applicant : Miss Nupur Trivedi, PL.

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

06/08/2026

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.23/2026 registered at Police Station Antagarh, District North Bastar Kanker (C.G.) for the offence under Section 69 of the BNS.

KRISHNA KUMAR BARVE	Digitally signed by KRISHNA KUMAR BARVE Date: 2026.08.07 18:19:41 +0530
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2. The prosecution case, in brief, is that on 13.04.2026, the victim, aged about 27 years, lodged a written report at Police Station Antagarh, District - North Bastar Kanker (C.G.), alleging that the applicant had developed sexual relationship with her during the period 27.01.2026 to 17.03.2026 and, on the false promise of marriage, established physical relations with her on several occasions at a rented house situated at Sheetlapara, Antagarh. It is further alleged that when the applicant refused to marry her, she has lodged the present FIR. On the basis of said report, the police has registered the offence under Section 69 of the Bharatiya Nyaya Sanhita, 2023, investigated the matter, and arrested the applicant. 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. As per the prosecution case itself, the alleged incident is stated to have taken place during the period 27.01.2026 to 17.03.2026, whereas the victim has lodged the written report only on 13.04.2026. Thus, there is an unexplained delay in setting the criminal law into motion. The FIR does not disclose any plausible or satisfactory explanation for such delay. Medical examination report of the prosecutrix does not support the prosecution case. No medical evidence has been found to corroborate the allegations made in the FIR. The absence of any incriminating medical evidence weakens the prosecution case at this stage and raises substantial doubt regarding the allegations levelled against

the applicant. The applicant is a married person, and this fact was well within the knowledge of the prosecutrix from the very inception of their relationship. Despite being fully aware of the applicant's marital status, the victim voluntarily continued to maintain a relationship with him. This circumstance prima facie indicates that the relationship was consensual and raises serious doubt regarding the allegation that her consent was obtained solely on the basis of a false promise of marriage. The prosecution agency has not collected any document to prove the age of the victim below eighteen years beyond reasonable doubt. The applicant has been in judicial custody since 14.04.2026. The investigation in the present case has already been completed and the charge-sheet has been filed before the competent Court. Therefore, the custodial interrogation of the applicant is no longer required, and his further detention would serve no useful purpose. 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 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. In her statement recorded under Section 183 of the BNSS, the victim has stated that she is a married woman and her husband

has died in the year 2017. It is stated that the applicant took the victim to his house, where he was residing on rent, on the pretext of providing some job and developed physical relations with her till 17.3.2026 on the false pretext of marriage. When she insisted the applicant for marriage, the applicant went to his house at Bihar and after returning from Bihar, he refused to marry the victim on account of the fact that he is a married person having children. It is stated that the victim knew the said fact.

7. Taking into consideration the facts and circumstances of the case, and the fact that the charge sheet has already been submitted against the applicant, further considering the fact that the relations between the applicant and the victim were consensual and she accompanied the applicant to stay in his rented house on her own and also considering the contents of the statement of the victim recorded under Section 183 of the BNSS, and that the applicant is in jail since 14.4.2026 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.

8. Let the Applicant – **Mohd. Navsad Khan**, involved in Crime No.23/2026 registered at Police Station Antagarh, District North Bastar Kanker (C.G.) for the offence under Section 69 of the BNS, 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.

9. 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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