



CGHC010344242026



2026:CGHC:44678

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8588 of 2026

1 - Gopal Farishta S/o Itwari Farishta, Aged About 18 Years Resident Of Village Dhurkot, P. S. Janjgir, District Janjgir - Chamap C.G.

... Applicant

versus

1 - State Of Chhattisgarh Through Station House Officer, Police Station Janjgir, District Janjgir - Champa (C.G.)

... Non-applicant

For Applicant	:	Mr. Om Prakash Sahu, Advocate
For Non-applicant	:	Ms. Priya Sharma, PL

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

15.10.2026

- 1)** The victim appeared along with her father through Video Conferencing and raised serious objection for grant of bail to the present applicant.
- 2)** The applicant has preferred this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), for grant of regular bail, as he has been arrested in connection with Crime No.271/2026, registered at Police Station Janjgir, District Janjgir Champa (CG) for the offence punishable under Sections 64(1), 64(2) of BNS and 4 & 6 of POCSO Act.

- 3) The prosecution case, in brief, is that the applicant committed sexual intercourse with the victim without her consent at his rented house at Kera Road, Janjgir. Accordingly, an offence under Sections 64(1) and 64(2) of the BNS and Sections 4 and 6 of the POCSO Act was registered against the applicant, and he was arrested. Hence, the present bail application.
- 4) Learned counsel for the applicant would submit that the applicant has falsely been implicated in the case. He would further submit that the applicant is innocent and has not committed any offence as alleged. He would also submit that the applicant is in jail since 12.04.2026, the charge-sheet has been filed, and the trial is likely to take considerable time for its conclusion. Therefore, he would pray that the applicant be enlarged on bail.
- 5) On the other hand, learned State counsel would oppose the bail application and submit that the victim was aged 16 years and 8 months at the time of the incident and was, therefore, not competent to give her consent. She would further submit that the victim, in her evidence before the trial Court, has supported the prosecution case. Considering the nature and manner of commission of the offence, she would submit that the applicant is not entitled to the benefit of bail.
- 6) I have heard learned counsel for the parties and perused the case diary.
- 7) Having considered the facts and circumstances of the case, the nature and gravity of the allegations, and the submissions made by learned counsel for the parties, this Court finds that the victim was aged 16 years and 8 months at the time of the incident and, therefore, was not legally competent to give consent to the alleged sexual act. It is further

evident from the submissions made by learned State counsel that the victim, in her statement before the trial Court, has supported the case of the prosecution. At this stage, the testimony of the victim cannot be ignored while considering the prayer for bail. The allegations levelled against the applicant are serious in nature and relate to an offence under Sections 64(1) and 64(2) of the Bharatiya Nyaya Sanhita, 2023, and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012. Considering the age of the victim, the nature of the allegations, and the fact that the victim has supported the prosecution case in her evidence, this Court is not inclined to extend the benefit of bail to the applicant at this stage. Accordingly, the bail application is **rejected**. Needless to observe that the observations made hereinabove are confined to the consideration of the bail application and shall not influence the trial Court while deciding the case on its own merits.

sd/-

(Rakesh Mohan Pandey)
JUDGE