



CGHC010362142026

2026:CGHC:44680

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2333 of 2026

1 - Sangram Gupta S/o- Shri Shankar Gupta, Aged About 35 Years R/o - Village - Khadgawan (Gajmarwapara), P. S. - Khadgawan, District - M. C. B. (C.G.)

...Appellant

versus

1 - State Of Chhattisgarh Through- S. H. O. Police Station - Khadgawan District - M. C. B. (C.G.)

---- Respondent

For Appellant

: Mr. Pushkar Sinha, Advocate

For State

: Mr. Laxmeen Kashyap, PL

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

15.10.2026

1. The victim appeared through Video Conferencing and raised no objection for grant of bail to the present appellant.
2. The appellant has preferred this Criminal Appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short "the Act of 1989") for setting aside of order dated 21.08.2026 passed by the Special Judge SC/ST Act (Atrocities), Koriya, Baikunthpur (C.G.) whereby the regular bail application filed by the appellant under Section 483 of BNSS in

connection with Crime No.102/2026 registered at Police Station Kadgawan, MCB (C.G.) for commission of offence punishable under Sections 64(1), 332(b), 351(2), 115(2) of BNS and Section 3((2)(v) of the SC/ST Act, 1989 has been rejected.

3. As per the prosecution case, on 12.06.2026, at about 3:00 p.m., the victim was alone in her house when the appellant entered the house and sexually exploited her. It is further alleged that the appellant took photographs of the victim using his mobile phone and threatened her with dire consequences if she disclosed the incident to anyone. Subsequently, the husband and brother-in-law of the victim called the appellant, which led to a quarrel between them. Thereafter, the FIR was lodged on 08.07.2026.
4. Learned counsel appearing for the appellant would submit that the appellant and the victim were in a consensual relationship for a considerable period. He would further submit that when the husband of the victim came to know about their relationship, a quarrel took place between them, and subsequently, the FIR was lodged on 08.07.2026. He would also submit that the charge-sheet has already been filed and the appellant has been in jail since 09.07.2026. It is further submitted that the victim has already been examined before the trial Court and has not supported the prosecution case. With regard to Section 3(2)(v) of the SC/ST Act, 1989, learned counsel for the appellant would submit that there is no allegation that the appellant committed the offence knowing the fact that the victim belonged to a particular category. He would further submit that, to attract Section 3(2)(v) of the Act of 1989, the

prosecution is required to establish that the offence was committed with such knowledge; however, there is no such allegation in the charge-sheet. He would pray to allow this appeal.

5. On the other hand, learned counsel for the State opposes the criminal appeal and the submission made by learned counsel for the appellant. She would further submit that the appellant sexually exploited the victim, who belongs to the Scheduled Caste/Scheduled Tribe community, and also assaulted her husband. She would further submit that one criminal antecedent is registered against the appellant in the year 2025 for the offences punishable under Sections 288, 177, 122, 126(2), 285, 182(2) and 190 of the BNS. She would, therefore, submit that the appeal deserves to be dismissed.
6. I have heard learned counsel for the parties and perused the case diary.
7. Having considered the facts and circumstances of the case, particularly that the appellant has one criminal antecedent registered in the year 2025; the charge-sheet has already been filed; the appellant has been in jail since 09.07.2026; the victim has already been examined and has not supported the prosecution case; and she has also given her consent to the grant of bail to the appellant, this Court is inclined to allow the appeal and enlarge the appellant on bail. Accordingly, order dated 21.08.2026 passed by the Special Judge, Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, Koriya, Baikunthpur (C.G.), in Crime No. 102/2026 is hereby **set aside**.

8. Accordingly, the instant appeal is **allowed**. The appellant be released on bail on furnishing a personal bond for a sum of **Rs. 50,000/-** with one surety in the like sum to the satisfaction of the Court concerned, subject to the following conditions:-

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

(iii) In case, the appellant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the appellant 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 appellant 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 appellant 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. However, this Court hopes and trust that the trial Court should make an earnest endeavour to conclude the trial as expeditiously as possible.

Sd/-

(Rakesh Mohan Pandey)
Judge

Rekha