



CGHC010401322026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9811 of 2026

1 - Atul Tamrakar S/o Birju Tamrakar Aged About 21 Years R/o Pathak Gali, Raidas Ward No. 18, Kedarpur, Mission Chauk, Ambikapur, P.S. And Tahsil - Ambikapur, District Surguja (C.G.)

..Applicant

versus

1 - State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, Ambikapur, District - Surguja (C.G.)

--- Non-applicant

For Applicant	:	Mr.Mohd. Naqeeb, Advocate
For Non-applicant	:	Mr. Sourabh Sahu, PL

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

16.10.2026

1) This is the second bail application filed under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 394/2026 registered at Police Station Ambikapur, District Surguja (Ambikapur), Chhattisgarh for the offences punishable under Sections 296, 351(3), 115(2), 190 191(2), 126(2), 74, 78 of the Bharatiya Nyaya Sanhita, 2023. Earlier first bail application of the applicant bearing MCRC No.7997 of 2026 was rejected on merits vide order dated

31.08.2026.

- 2)** As per the prosecution story, the applicant allegedly misbehaved with the victim and later, along with his associates, abused, threatened, and assaulted the victim and her brother, causing injuries to them. On the basis of the complaint of the victim, the offence was registered against the present applicant. Hence the bail application.
- 3)** Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the present case. He further submits that the applicant is in custody since 17.06.2026, the charge-sheet has already been filed, and the trial is likely to take some time to conclude. He would further submit that the injury sustained by the brother of the victim is simple in nature. He also submits that the charge under Section 75(2) of the BNS against the applicant has been discharged. As regards the criminal antecedents of the applicant, he submits that out of five cases, one has been disposed of and four are still pending. He further submits that the earlier first bail application of the applicant was rejected on merits in MCRC No. 7997 of 2026 of 2026. Therefore, he prays for grant of bail to the applicant.
- 4)** On the other hand, learned State counsel opposes the prayer for bail and submits that the allegations against the applicant are serious in nature. He further submits that the applicant allegedly sexually assaulted the victim and thereafter, along with his associates, assaulted and threatened the victim and her brother. The victim sustained injuries and supported the prosecution case in her statement recorded under Section 183 of the BNSS. He also submits that four criminal cases are pending against the applicant and there is no substantial change in circumstances since rejection of his first bail

application on merits. Therefore, he prays for rejection of the bail application.

- 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, the nature and gravity of the allegations against the applicant, particularly that he allegedly sexually assaulted the victim in a public place and thereafter, along with his associates, assaulted and threatened the victim and her brother, resulting in injuries to them; the victim has supported the prosecution case in her statement recorded under Section 183 of the BNSS; and the applicant has five criminal antecedents, out of which one case has been disposed of and four are still pending, this Court finds that the allegations against the applicant are serious in nature. Though the applicant contends that the injury sustained by the brother of the victim is simple in nature but the same cannot be considered in isolation from the other allegations made against him. Further, the applicant's first bail application was rejected on merits in MCRC No. 7997 of 2026, and no substantial change in circumstances has been brought to the notice of this Court to warrant reconsideration of the prayer for bail. In view of the aforesaid facts and circumstances, this Court is not inclined to enlarge the applicant on bail. Accordingly, the bail application is **rejected**.

Sd/-

(Rakesh Mohan Pandey)
JUDGE