CGHC010198922026 2026:CGHC:46500

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 4722 of 2026

- Ajay Dhimar @ Bhagwan Singh S/o Gendram Dhimar, Aged About 22 Years R/o Village Marharpur, Police Station Lormi District- Mungeli (C.G.)

... Applicant

versus

- State Of Chhattisgarh Through Police Station Incharge, P.S. Kota, District- Bilaspur (C.G.)

... Non-Applicant

For Applicant : Mr. Himanshu Pandey, Advocate
For State : Mr. Kanwaljeet Singh Saini, Dy. Government Advocate

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Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

03.11.2026

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. 454/2025 registered at Police Station Kota, District Bilaspur (C.G.), for the offence punishable under Sections 137(2), 87, 65(1) of BNS and Sections 3/4(2), 5(ठ)/ 6 of POCSO Act and Section 3(2)(v) of Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989.

2. As per the prosecution story, victim, aged about 15 years and 10 months, went missing on 30.04.2025. During investigation, she was recovered from the possession of the present applicant. Thereafter, police registered

aforesaid offence against the applicant and he was arrested on 21.11.2025.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in the present case. It is contended that victim in her deposition admitted that she had voluntarily accompanied the applicant and stayed at his house for several months. He further submits that the statements of the victim and other material witnesses have already been recorded, charge-sheet has been filed, applicant is in jail since 21.11.2025 and trial is likely to take some time to conclude. Thus, he would pray for grant of bail to the present applicant.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that on the date of incident age of the victim was 15 years & 10 months and she was not competent to give her consent as she was a child according to provisions of Section 2(d) of the POCSO Act. It is also contended that appreciation of evidence cannot be considered while entertaining a bail application. He submits that as there are serious allegations of sexual exploitation, the present application deserves to be rejected.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Having considered the nature and gravity of allegations and material available on record, and fact that on the date of incident victim was aged about 15 years & 10 months, she has already been examined before the learned Trial Court and she has categorically stated that present applicant forcibly subjected her to sexual intercourse against her will. Further, reliability and credibility of the witnesses are matters to be assessed by the

learned Trial Court during course of trial and cannot be assessed at this stage. While entertaining a bail application, the High Court cannot conduct a mini-trial or undertake a detailed examination of evidence, I am not inclined to allow this application.

7. Accordingly, instant bail application is hereby **rejected**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

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