CGHC010225222026 2026:CGHC:44372

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 5364 of 2026

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Date: 2026.10.15 11:10:11 +0530

Punitdas Sahu @ Saheb S/o Kejuram Sahu Aged About 54 Years R/o Village Karamtara, Out Station - Jalbandha, P.S. Khairagarh, Distt. - Khairagarh-Chuikhadan-Gandai (Wrongly Mentioned Rajnandgaon) Chhattisgarh

... Applicant

versus

State Of Chhattisgarh Through P.S. Khairagarh, Distt. - Khairagarh-Chuikhadan-Gandai (Wrongly Mentioned Rajnandgaon) Chhattisgarh

... Non-Applicant

For Applicant	:	Shri Rakesh Kumar Thakur, Advocate.
For Non-applicant/State	:	Ms. Laxmeen Kashyap, P.L.

(HON'BLE SHRI JUSTICE RAKESH MOHAN PANDEY)

Order on Board

14/10/2026

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. 362/2025 registered at Police Station Khairagarh, District Khairagarh-Chuikhadan-Gandai (C.G.), for the offence punishable under Sections 137(2), 96, 64(2)(m) of BNS and Section 5(J)(ii)/6 of the POCSO Act, 2012. against the present applicant.

2. The case of the prosecution, in brief, is that an F.I.R. was lodged by elder sister of the victim on 19.07.2025 to the effect that her younger sister, aged about 14 years and 6 months was taken to Hospital where Doctor informed that she was having pregnancy of 5 months. The victim was enquired, who narrated that the present applicant committed forcible sexual intercourse on many occasions. On such allegations, the Police registered the offences, as stated above, against the applicant.

3. Learned Counsel for the applicant would submit that the applicant is in jail since 19.07.2025; the victim has already been examined and she has not supported the case of the prosecution; applicant has no criminal antecedents and the remaining witnesses are yet to be examined. He would further submit that foetus D.N.A. report shows that the applicant is not the father of the infant and the trial is likely to take some time for its conclusion. Therefore, he would pray that the application may be allowed and the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and contend that the victim was sexually assaulted by the applicant and her age was 14 years and 7 months. She would contend that the victim conceived and when she was taken to the Hospital, this fact surfaced. It is also argued that the victim, in her statement under Section 183 BNSS and also in her deposition, has categorically, stated that the present applicant on many occasions sexually exploited her, therefore, the present application deserves to be rejected.

5. The victim and her father appeared through virtual mode on 25.08.2026 and the victim has raised objection in releasing the

applicant on bail.

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

7. It is well settled law that the the credibility and admissibility of evidence adduced by the prosecution witnesses cannot be examined while entertaining a bail application. The victim has been examined and in her examination-in-chief, she has categorically stated that the present applicant on many occasions sexually exploited her. It has also come in evidence that the victim is mentally retarded girl. The validity of D.N.A. foetus report cannot be assessed at this stage and it is for the trial Court to consider its validity. The victim, in her statement recorded under Section 183 BNSS and also in her deposition, has categorically made allegations of sexual assault against the present applicant.

8. Having considered the above facts, I am not inclined to grant bail to the applicant.

9. Accordingly, the first bail application filed by the applicant is liable to be and is hereby **rejected.**

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Anjani