CGHC010228272026 2026:CGHC:43462

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 5493 of 2026

1 - Vinayak Thakur S/o Shri Ramu Thakur Aged About 20 Years By Caste - Nai, R/o Village - Durgapali, P.S. - Saraypali, Distt. - Mahasamund (C.G.) **... Applicant(s)**

versus

1 - The State Of Chhattisgarh Through Station House Officer, Police Station - Chandrapur, Distt. - Sakti (C.G.) **... Respondent(s)**

For Applicant (s)	:	Mr. Sunil Sahu, Advocate
For Respondent(s)/State	:	Ms. Ritika Verma, P.L.

Hon'ble Mr. Justice Rakesh Mohan Pandey

Order on Board

07.10.2026

1. The applicant has preferred this First Bail Application under Section 483 of the BNSS, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 34/2026, registered at Police Station Chandrapur, District Sakti (C.G.) for the offence punishable under Sections 137(2), 64(2)(i)(m) and 6 of POCSO Act.

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2. Case of the prosecution, in brief, is that the applicant sexually assaulted the victim, aged about 17 years on the pretext marriage. The FIR was lodged against the applicant by the father of the victim, pursuant to which the offences, as stated above, were registered against him.

3. Learned counsel appearing for the applicant would submit that the

victim has already been examined before the trial Court wherein she has declared her age 19 years and she has not supported the case of the prosecution. He also submits that the charge-sheet has already been filed and the applicant is in jail since 24.04.2026. He, therefore, prays for grant of bail to the applicant.

4. On the other hand, learned State counsel would oppose the bail application and submit that the victim was 17 years and 6 months of age on the date of the incident. She would further submit that serious allegations of sexual assault have been made against the present applicant and, therefore, the application moved by the applicant for grant of bail may be rejected.

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

6. Taking into consideration the facts and circumstances of the case, and particularly considering the fact that the victim, who has been examined before the trial Court as PW-1, has disclosed her age as 19 years and victim has also not supported the case of the prosecution and she denied the suggestions put forth by the Public Prosecutor and also considering the fact that the applicant is in custody since 24.04.2026, the charge-sheet has already been filed, and the conclusion of the trial is likely to take some time, I am inclined to grant bail to the present applicant. Accordingly, the bail application is **allowed**.

7. Let applicant be released on bail on furnishing a personal bond of Rs. 50,000/- with one surety in the like sum to the satisfaction of the court

concerned with the following conditions:-

(i) The applicant 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 applicant 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 applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS is issued and the applicant 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 applicant 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 applicant 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.

Sd/-
(Rakesh Mohan Pandey)
Judge

Jyoti