CGHC010233762026 2026:CGHC:44994

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 5501 of 2026

1 - Joga Bhogami S/o Shri Nandu Bhogami, Aged About 21 Years By Caste- Muriya, R/o Village - Mangnaar, Thana- Faraspal, Tahsil- Dantewada, District South Bastar Dantewada (C.G.)

... Applicant

versus

1 - State Of Chhattisgarh Through Station House Officer, P.S. Mahila Thana Dantewada, District South Bastar Dantewada Chhattisgarh **... Non-applicant**

For Applicant	:	Mr. Ishwar Jaiswal, Advocate
For Non-Applicant	:	Mr. Akash Agrawal, PL

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

26.10.2026

1. Heard.

2. 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. 01/2026 registered at Police Station Mahila Thana, District South Bastar, Dantewada (C.G.) for the offence punishable under Section 64(2)(m) of the Bhartiya Nyaya Sanhita, 2023 and Sections 4 & 6 of the POCSO Act.

3. The prosecution case, in brief, is that the victim became acquainted with the applicant at Dantewada. The applicant allegedly established physical relations with her on the pretext of marriage and later took her to a rented house in Dantewada, where he again had sexual intercourse with her. Thereafter, the victim lodged an FIR at Mahila Thana, Dantewada, on the basis of which the applicant was arrested. Hence, the bail application.

4. Learned counsel appearing for the applicant would submit that the applicant is innocent and has falsely been implicated in the present case. He would further submit that the applicant and the victim were acquainted with each other and were in a relationship, pursuant to which they established physical relations. It is contended that the applicant had promised to marry the victim and the physical relationship between them was consensual. He would contend that the victim has already been examined and, in her deposition, she has stated that the applicant is her husband and they got married in the year 2025. He would further contend that a child was born out of their wedlock and the victim has denied the allegations of sexual assault against the applicant. He would submit that the applicant has no criminal antecedents; he is in jail since 24.03.2026 and conclusion of the trial may take some time, thus, he prays for grant of regular bail to the present applicant.

5. On the other hand, learned State counsel opposes the bail application and submits that the applicant is accused of committing a serious offence under Section 64(2)(m) of the BNS and Sections 4 & 6 of the POCSO Act. He would, therefore, submit that the applicant is not

entitled to be released on bail.

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

7. Considering the facts and circumstances of the case, the nature and gravity of the allegations, and the fact that the applicant has no criminal antecedents, it is pertinent to note that the victim has already been examined as PW-1 before the learned Trial Court on 23.06.2026. In her deposition, the victim stated that the applicant is her husband and they got married in the year 2025, and a child was born out of their wedlock. She has also denied the allegation of sexual assault against the applicant. Further, the applicant is in jail since 24.03.2026.

8. Taking into consideration the deposition of the victim, the absence of criminal antecedents against the applicant, and the period of incarceration already undergone by him, without expressing any opinion on the merits of the case, I am of the opinion that the applicant deserves to be enlarged on bail. Accordingly, the bail application is **allowed.**

9. It is directed that in the event of the applicant executing a personal bond for a sum of **Rs. 50,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-

(a) he shall make himself available for interrogation by the police officer as and when required;

(b) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court; and

(c) he shall not act in any manner which will be prejudicial to a fair and expeditious trial.

The observation made hereinabove is for the purpose of deciding this bail application only, the learned trial Court shall decide the case on its own merits.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Rekha