CGHC010237452026 2026:CGHC:46900

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1482 of 2026

- Raj Kumar Gupta @ Chintu Son Of Dashrath Prasad Gupta, Aged About 21 Years Resident Of Village Pakriha, Gram Panchayat Lamatola, Police Station Kotma, District Anuppur (M.P.) (Wrongly Mentioned As C.G.)

... Appellant

versus

- State Of Chhattisgarh Through- The Station House Officer, Police Of Police Station A J A K, Surajpur, District- Surajpur (C.G.)

... Respondent

For Appellant : Mr. Anil Kumar Gulati, Advocate
For State : Mr. Sharad Mishra, Government Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

05.11.2026

1. The appellant has preferred this Criminal Appeal under Section 14-A(2) of the SC/ST (Prevention of Atrocities) Act, 1989 for setting aside of order dated 22.05.2026 passed by the Special Judge (Atrocities), Surajpur and for grant of regular bail to the appellant, who has been arrested in connection with Crime No. 197/2025, registered at Police

Station- AJAK Surajpur, District Surajpur (C.G.) for the offence punishable under Sections 69, 296 (B), 351(2) of BNS and Section 3 (2) (v) of SC/ST (Prevention of Atrocities) Act, 1989.

2. As per case of the prosecution, a written case was lodged by victim at Police Station Surajpur on 31.03.2026 making allegation against the applicant that he sexually exploited her on pretext of marriage between 06.12.2024 to 28.01.2026 and subsequently refused to marry. It is also alleged that the appellant and victim visited hotels on many occasions where she was forcefully sexually exploited. It is also alleged that the appellant committed said offence knowing very well the fact that victim is a member of Scheduled Caste category. On such complaint, police registered offences as stated above.

3. Learned counsel appearing for the appellant would argue that on date of incident, victim was aged about 21 years and she was a mature lady, well aware of the consequences of such relationship. It is further submitted that there was consensual relationship between them and victim voluntarily visited hotels along with the appellant on several occasions. He would submit that charge-sheet has been filed, appellant is in jail since 06.05.2026 and he has no criminal antecedents. Thus, he would pray for grant of bail to the present appellant.

4. On the other hand, learned counsel appearing for the State would oppose. Mr. Sharad Mishra, Government Advocate would submit that present applicant on pretext of marriage sexually exploited a girl belonging to Scheduled Caste community and there are serious allegations against the appellant, and therefore, this appeal deserves to be dismissed.

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

6. Perusal of the contents of FIR and statement of the victim recorded under Section 183 of BNSS would make it clear that there was a fair degree of intimacy between the appellant and victim, which continued for period from 06.12.2024 to 28.01.2026. It is apparent from perusal of the documents that victim visited hotels along with the appellant on 06.12.2024, 09.12.2024, 30.12.2025 and 28.01.2026. Further, taking note of the fact that charge-sheet has been filed, applicant has no criminal antecedents and he is languishing in jail since 06.05.2026, without commenting on the merits of the case, I am inclined to allow this appeal. The order dated 22.05.2026 passed by the Special Judge (Atrocities), Surajpur in B.A. No. 233/2026 is hereby set-aside. Accordingly, instant criminal appeal is **allowed.**

7. It is directed that, in the event of the appellant executing a personal bond in the sum of Rs. 50,000/- with one surety to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

> (i) 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,
>
> (ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, &

(iii) he shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

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