CGHC010257242026 2026:CGHC:44195

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 6062 of 2026

Ramchandra Nareti S/o Krishna Nareti Aged About 25 Years R/o- Village-Palachur (Durgkondal), District- Uttar Bastar Kanker (C.G.). **... Applicant**

versus

State of Chhattisgarh, Through: the Station House Officer, Police Station-Durgkondal, District- Uttar Bastar Kanker (C.G.). **... Non-applicant**

For Applicant	**:**	Mr. Shivendu Pandya, Advocate
For Non-applicant/State	**:**	Mr. Kawaljeet Singh Saini, Deputy Government Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

13/10/2026

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 40/2025 registered at Police Station Durgkondal, District Uttar Bastar Kanker (C.G.) for offences punishable under Sections 64(2)(m) and 65(1) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Section 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. As per the prosecution case, on 15.10.2024 at around 10:00 PM and subsequently up to 08.02.2025, the applicant/accused, fully aware that

the prosecutrix was a minor girl aged about 15 years and 9 months (below 16 years of age), enticed and seduced her on the false pretext of love and promise of marriage and she was subjected to repeated sexual intercourse and aggravated penetrative sexual assault against her will and without lawful consent. In consequence of the repeated sexual exploitation committed by the applicant, the minor victim conceived and eventually gave birth to a newborn child.

3. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the crime. It is argued that the victim was a consenting party and was in a relationship with the applicant. They had resided together as husband and wife at various places, and she accompanied him of her own volition. It is further submitted that during the course of the trial, the prosecutrix (PW-1) was examined before the trial Court, where she turned hostile and did not support the prosecution story. The FIR was lodged after an unexplained and inordinate delay under pressure from her family members. The applicant has been in judicial custody since 28.10.2025, has no criminal antecedents; thus, he may be enlarged on regular bail.

4. On the other hand, learned counsel appearing for the State vehemently opposes the bail application and submits that looking to the tender age of the victim at the time of the incident, her consent holds no significance in the eyes of law. It is submitted that the statement of the victim recorded under Section 183 of the BNSS and the medical evidence clearly substantiate the allegations of sexual assault against the applicant. It is further argued that piecemeal appreciation of the deposition of the prosecutrix while the trial is ongoing cannot be made the sole basis for grant of bail, particularly when serious charges under the POCSO Act and BNS are involved; thus, the applicant is not entitled to be enlarged on bail.

5. The victim, along with her father, appeared through Video Conferencing on 19.08.2026 and strongly raised objection to the grant of bail to the applicant.

6. Heard learned counsel for the parties, considered the rival submissions, and perused the case diary as well as the material available on record.

7. Considering the nature and gravity of the allegations, the age of the victim at the time of the alleged offence, she was subjected to repeated sexual assault against her will and without lawful consent and in consequence of the repeated sexual exploitation committed by the applicant, the minor victim conceived and eventually gave birth to a child; the victim and her father upon appearance through Video Conferencing raised objection in granting bail to the applicant, without commenting on the merits of the case, this Court is not inclined to grant regular bail to the applicant at this stage. Accordingly, the bail application is hereby **rejected**. Sd/-

Rakesh Mohan Pandey

JUDGE

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