CGHC010266982026 2026:CGHC:44196

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1698 of 2026

Anil Kumar Pando S/o Ramkishun Pando Aged About 28 Years R/o Village Hardibahra P.S. Raghunathnagar, District- Balrampur- Ramanujganj (C.G.)

--- **Appellant**

versus

State of Chhattisgarh Through S.H.O. Police Station Raghunathnagar, District- Balrampur- Ramanujganj (C.G.). --- **Respondent**

CRA No. 1937 of 2026

Baldhari Sahu S/o Ram Lal Sahu Aged About 28 Years R/o Village Hardibahra, P.S. Raghunathnagar (Wrongly Mentioned In Order Sheet As Raghunthpur), District Balrampur-Ramanujganj Chhattisgarh

---**Appellant**

Versus

State of Chhattisgarh Through S H O P.S. Raghunathnagar (Wrongly Mentioned In Order Sheet As Raghunthpur), District Balrampur-Ramanujganj Chhattisgarh. --- **Respondent**

For Appellants	**:**	Mr. Pushkar Sinha, Advocate
For Respondent(s)	**:**	Ms. Priya Sharma, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

13/10/2026

1. Since both these criminal appeals arise out of the same crime number

(Crime No. 31/2026 registered at Police Station – Raghunathnagar, District Balrampur-Ramanujganj, C.G.), they are being heard and disposed of by this common order.

2. These Criminal Appeals have been preferred by the respective appellants under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "the SC/ST Act") challenging the orders dated 07.05.2026 and 27.06.2026 passed by the Special Judge, SC/ST (POA) Act, Balrampur, Place: Ramanujganj, C.G., whereby their respective applications for grant of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in connection with Crime No. 31/2026 for offences punishable under Sections 70, 142, and 351(3)(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Section 3(2)(v) of the SC/ST Act were rejected.

3. The case of the prosecution, in brief, is that a written report was lodged by the prosecutrix/victim alleging that on 16.03.2026, appellant Anil Kumar Pando (in CRA No. 1698/2026) along with appellant Baldhari Sahu (in CRA No. 1937/2026) kidnapped her on a motorcycle and took her to Harigwan forest, where appellant Anil Kumar Pando committed sexual assault upon her. Thereafter, she was taken to Allahabad, where appellant Anil Kumar Pando repeatedly raped her for two days. Subsequently, they left her at her sister's house and threatened her with dire consequences if she disclosed the incident. On the basis of said report, an FIR was registered and the appellants were arrested.

4. Mr. Sinha, learned counsel appearing for the appellant Anil Kumar Pando (CRA No. 1698/2026) would submit that the victim is aged about 26 years at the time of incident; the FIR was lodged after an unexplained delay of nearly three weeks from the date of the alleged incident, which casts a serious shadow of doubt on the prosecution

case. The appellant and the victim were well acquainted and in a consensual relationship prior to the incident. Further, the medical examination report does not reveal any internal or external injuries. The appellant has no criminal antecedents, the charge-sheet has already been filed, and he has been in custody since 18.04.2026.

5. With regard to appellant Baldhari Sahu in CRA No. 1937/2026, he would submit that the only allegation against this appellant is of assisting in taking the victim on a motorcycle. There is no allegation of sexual assault, or attempt to commit sexual offence against him. The appellant has no criminal antecedents, the investigation is complete, the charge-sheet has already been filed, and he has been in custody since 06.05.2026. Therefore, he deserves the concession of bail.

6. On the other hand, Ms. Sharma, learned Panel Lawyer appearing for the State would oppose the appeals and submit that the main allegation of committing rape and repeated sexual assault is against appellant Anil Kumar Pando, while appellant Baldhari Sahu actively assisted him in abducting the victim; thus, they may not be enlarged on bail.

7. The victim appeared through Video Conferencing with the assistance of the concerned District Legal Services Authority (DLSA) and vehemently opposed the grant of regular bail to both the appellants.

8. Heard learned counsel for the parties and perused the case diary.

9. So far as appellant Anil Kumar Pando (CRA No. 1698/2026) is concerned, there are specific, direct, and serious allegations of kidnapping and repeated sexual assault against him. Considering the nature and gravity of the allegations, the specific role attributed to him, and the objection raised by the victim, this Court does not find it to be a fit case for grant of bail. Accordingly, CRA No. 1698 of 2026 is hereby **rejected**.

10. So far as appellant Baldhari Sahu (CRA No. 1937/2026) is concerned,

considering the fact that no allegation of sexual assault has been levelled against him and his role is limited to allegedly accompanying the main accused on a motorcycle, and further taking into account that the charge-sheet has already been filed; he has no criminal antecedents, and has been in jail since 06.05.2026, this Court is inclined to allow the appeal filed on his behalf.

11. Consequently, CRA No. 1937 of 2026 is **allowed**. The impugned order dated 27.06.2026 passed by the learned Special Judge, SC/ST (POA) Act, Balrampur, Place: Ramanujganj is hereby **set aside**.

12. It is directed that in the event of the appellant- Baldhari Sahu executing a personal bond for a sum of **Rs.50,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail, on 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, and

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

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

Sd/-
Rakesh Mohan Pandey
JUDGE

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