CGHC010268962026 2026:CGHC:43596

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MCRC No. 6313 of 2026**

**1 -** Moin Balam Saiyyed @ Moin Kaji S/o Balam Saiyyed Aged About 19 Years R/o Village Khatod Colony, Near Kolhar Road Belapur Police Station Belapur (Shrirampur) District Ahmad Nagar (Ahilya Nagar) (Maharashtra)

**... Applicant**

**versus**

**1 -** State Of Chhattisgarh Through The Station House Officer, Police Station- Kharora, District Raipur (C.G.)

**... Non-applicant**

| | | |
|---|---|---|
| For Applicant | : | Mr. Pushpendra Kumar Patel, Advocate |
| For Non-applicant /State | : | Ms. Ankita Shukla, P.L. |

**Hon'ble Shri Justice Rakesh Mohan Pandey**

**Order on Board**

**08/10/2026**

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. 0850/2025, registered at Police Station Kharora, District – Raipur (C.G.) for offence

punishable under Sections 79, 351(4) and 87 of BNS, 2023; Section 67(B) of IT Act, 2000 and Section 12 of POCSO Act, 2012.

2. As per the case of the prosecution, father of the victim lodged a report on 02/12/2025 alleging that the applicant herein procured objectionable photographs of the victim and sent them to victim's father's mobile no. through social media apps. On the said report, the abovestated offence was registered against the applicant.

3. Mr. Pushpendra Kumar Patel, learned counsel for the applicant, would argue that the applicant is innocent and has falsely been implicated in the crime in question. He would further argue that there was a love affair between the applicant and the victim and the victim herself had sent her objectionable photographs to him. He would further submit that the investigation has been completed and charge-sheet has already been filed and the applicant is in jail since 17/12/2025, thus, the appellant be released on bail as conclusion of trial is likely to take some time.

4. On the other hand, Ms. Ankita Shukla, learned counsel appearing for the non-applicant/State, would oppose the bail application and submit that at the time of the incident, the victim was aged about 15 years and 7 months and therefore, the contention of consent of the victim would be irrelevant as she was a minor. She would lastly submit that there is serious allegation of sending objectionable photographs of the victim though social media apps levelled against the applicant, therefore, he is not liable to be released on bail.

5. In compliance of order dated 15/07/2026, the victim along with her father appeared before this Court through video conferencing from

the concerned District Legal Services Authority (DLSA) and raised serious objection in grant of bail to the applicant.

6. I have heard learned counsel appearing for the parties and perused the case diary as well as the material available on record.

7. Having considered the serious allegation of sending objectionable photographs of the victim made against the present applicant and the manner in which the offence was committed and further considering the statement of the victim recorded under Section 183 of BNSS, this Court is not inclined to release the applicant on bail.

8. It is also pertinent to note that in its recent order dated 28.09.2026 passed in **Re: Recent Rape Incidents in Delhi NCR**, Suo Motu Writ Petition (Criminal) No. 6 of 2026, the Hon'ble Supreme Court has taken serious note of the vulnerability of women and children to sexual offences and has emphasised the imperative of ensuring their safety, dignity and protection from such offences.

9. Accordingly, this bail application filed by the applicant – **Moin Balam Saiyyed @ Moin Kaji** in connection with Crime No. 0850/2025, registered at Police Station Kharora, District – Raipur (C.G.) for offence punishable under Sections 79, 351(4) and 87 of BNS, 2023; Section 67(B) of IT Act, 2000 and Section 12 of POCSO Act, 2012 is hereby **rejected**.

**Sd/-**
(Rakesh Mohan Pandey)
**JUDGE**

Harneet