SIDDHANT TAMRAKAR
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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 6911 of 2026

- Abhishek Das S/o Sanju Das Aged About 19 Years R/o Gorta, Police Station-Lakhanpur, District : Surguja (Ambikapur), Chhattisgarh

... Applicant

versus

- State Of Chhattisgarh Through- Station House Officer, Police Station-Lakhanpur, District : Surguja (Ambikapur), Chhattisgarh

... Non-Applicant

For Applicant : Mr. D.N. Prajapati, Advocate
For State : Ms. Sameeksha Gupta, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

06.10.2026

1. Victim appeared through V.C. and has given her consent in grant of bail to the applicant.

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. 99/2026 registered at Police Station Lakhanpur, District Surguja (C.G.) for the offence punishable under Sections 65(1), 64(1), 333 of BNS and Section 4 (2) read with 3(a) of POCSO Act.

3. As per the case of the prosecution, on 13.04.2026, mother of the victim lodged a report at Police Station Lakhanpur, alleging that on 12.04.2026 at

about 11:00 p.m., the present applicant entered house of the complainant and committed sexual intercourse with her minor daughter. On such complaint, police registered aforesaid offence against the applicant.

4. Learned counsel for the applicant would contend that false allegations have been made against the present applicant. He would further submit that victim has already been examined before the trial Court and she disclosed her age 19 years on 1st September, 2026. It is also argued that victim, her father and mother have not supported the case of prosecution before the learned Trial Court and denied the suggestions put forth by the public prosecutor. He would submit that applicant is in jail since 13.04.2026 and trial may take some time for its conclusion. He would contend that applicant has no criminal antecedents. Thus, he would pray for grant of bail to the applicant.

5. On the other hand, learned counsel for the State would oppose the bail application. Ms. Sameeksha Gupta, Panel Lawyer would submit that age of the victim on the date of incident was 14 years 7 months, thus, she was below 18 years of age and was not capable to give her consent. She would further submit that in statement recorded under Section 183 of BNSS, victim has made serious allegations against the applicant with regard to sexual assault, therefore, the present application deserves to be rejected.

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

7. Having considered the facts and circumstances of the case, the nature and gravity of the allegations levelled against the present applicant, the fact that the victim has already been examined before the trial Court and she disclosed her age 19 years on 1st September, 2026 and further she has been

declared hostile, even she denied the suggestions put forth by public prosecutor. Likewise, parents of the victim, who have examined as PW/2 and PW/3 before the Court below have not supported the case of prosecution, applicant is in jail since 13.04.2026, trial may take some time for its conclusion and applicant has no criminal antecedents, therefore, I am inclined to allow this application.

8. Accordingly, the regular bail application is allowed and it is directed that in the event of the applicant 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 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 him by the said Court till disposal of the trial.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

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