CGHC010293082026 2026:CGHC:46036

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 6899 of 2026

1 - Aakash Yadav S/o Ramsiingh Aged About 27 Years R/o Kelwar Upadhayay, P.S. Tejgarh, District Damoh M.P.

... Applicant

versus

1 - State Of Chhattisgarh Through P.S. Basantpur District Balrampur Ramanujganj C.G.

… Non-applicant

For Applicant	:	Mr. Priyanshu Yadav, Advocate
For Non-applicant /State	:	Mr. Sourabh Sahu, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

30/10/2026

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. 182/2025, registered at Police Station Basantpur, District – Balrampur - Ramanujganj (C.G.) for offence punishable under Sections 137(2), 87, 64(2) and 65(1)

of BNS; Sections 4(2), 5(1)/6 of POCSO Act and Section 3(2)(v) of the SC/ST Act.

2. As per the case of the prosecution, on 01/10/2025, victim's father lodged a missing report with regard to his minor daughter. During the course of the investigation, victim was recovered from the house of the applicant on 19/12/2025 and the aforesaid offences were registered against the applicant on the ground that he sexually exploited the minor victim on the pretext of marriage knowing fully well that she belonged to Scheduled Castes community and subsequently, the applicant was taken into custody on 20/12/2025.

3. Mr. Priyanshu Yadav, learned counsel for the applicant, would argue that there was a love affair between the applicant and the victim and the relationship between them was consensual in nature. He would further submit that the investigation has been completed and charge-sheet has already been filed and the applicant is in jail since 20/12/2025, thus, the appellant be released on bail as conclusion of trial is likely to take some time.

4. On the other hand, Mr. Sourabh Sahu, 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 13 years and therefore, the contention of consent of the victim would be irrelevant as she was a minor. He would lastly submit that serious allegations have been levelled against the applicant with regard to sexual assault of the minor victim, therefore, he is not liable to be released on bail.

5. Father of the victim 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 fact that on the date of the incident, the age of the victim was 13 years and therefore, the plea of consent is not available to the applicant as the victim was a child as per Section 2(1)(d) of the POCSO Act and further considering that the victim has already been examined before the trial Court and in her deposition, she has categorically stated that the present applicant took her to Indore against her will and sexually exploited her on various occasions for a period of two-three months, I am not inclined to grant bail to the applicant.

8. Accordingly, this bail application preferred by the applicant – **Aakash Yadav** who has been arrested in connection with Crime No. 182/2025, registered at Police Station Basantpur, District – Balrampur - Ramanujganj (C.G.) for offence punishable under Sections 137(2), 87, 64(2) and 65(1) of BNS; Sections 4(2), 5(1)/6 of POCSO Act and Section 3(2)(v) of the SC/ST Act is hereby **rejected**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Harneet