CGHC010293612026 2026:CGHC:44377

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7293 of 2026

Narendra Nayak S/o Dabidhar Nayak Aged About 30 Years R/o- Village-Dhodhipani, Police Station- Chandahandi, District- Navrangpur (Odisha)

... Applicant

versus

State Of Chhattisgarh Through The Station House Officer, Police Station-Devbhog, District- Gariyaband (C.G.) **... Non-Applicant**

Digitally signed by ALLENA ANJANI KUMAR
Date: 2026.10.15 11:22:36 +0530

For Applicant	:	Shri Shivendu Pandya, Advocate.
For Non-Applicant/State	:	Shri Akash Agrawal, P.L.

(HON'BLE SHRI JUSTICE RAKESH MOHAN PANDEY)

Order on Board

14/10/2026

1. 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. 121/2026 registered at Police Station Devbhog, District Gariyaband (C.G.), for the offence punishable under Sections 64(2)(m), 87, 137(2) of BNS and Sections 4, 6 of the POCSO Act, 2012 against the present applicant.

2. The case of the prosecution, in brief, is that father of the victim lodged a written report at Police Station Amlipadar to the effect that on the

pretext of marriage, the applicant had established sexual relationship with his daughter/victim. On such report/complaint, the Police registered the offences, as stated above, against the applicant.

3. Learned Counsel for the applicant would submit that on the date of incident, age of the victim was 17 years and 8 months; there was consensual relationship between them; she has already been examined and has partially supported the case of the prosecution. He would further contend that the applicant is in jail since 27.04.2026; he has no criminal antecedents and that, conclusion of trial may take some considerable time. Therefore, he would pray that the application may be allowed and the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that case of the victim is below 18 years age and thus she was not competent to give her consent. It is also contended that she has made serious allegation of sexual assault against the present applicant. He would further submit that in deposition, the victim has categorically stated that she was sexually assaulted against her will, therefore, the present application deserves to be rejected.

5. The victim and her father appeared through virtual mode on 25.08.2026 and the victim has raised objection in releasing the applicant on bail.

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

7. In this case, the victim’s age is below 18 years on the date of incident.

It appears that the victim somehow came into contact with the applicant, who on the false pretext of marriage, established sexual relationship with the minor victim. Moreover, in her statement recorded under Section 183 of BNSS and in deposition, the victim has categorically stated that she was sexually assaulted by the applicant against her will. Further, the victim and her father appeared through virtual mode on 25.08.2026 and the victim has raised objection in releasing the applicant on bail.

8. Be that as it may, this Court cannot lose sight of the fact that on the date of the incident, the prosecutrix was admittedly under 18 years and was, therefore, a minor in terms of Section 2(1)(d) of the POCSO Act. It is a well-settled principle of law that the evidence of prosecution witnesses cannot be assessed and that mini-trial is not permissible while entertaining the bail application.

9. Having considered allegation of sexual relationship and the manner in which, the offence was committed, I am not inclined to grant bail to the applicant.

10. Accordingly, the first bail application filed by the applicant is liable to be and is hereby **rejected.**

Sd/-

(Rakesh Mohan Pandey)

JUDGE

Anjani