CGHC010296392026 2026:CGHC:45318

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7712 of 2026

1 - Malkasingh @ Malaki Harijan S/o Narsingh Harijan Aged About 22 Years R/o Village Dongriguda, Kotpad, District Koraput Odissa R/o Dharampura, No. 1 Jagdalpur, District Bastar At Jagdalpur C.G.

... Applicant

versus

1 - State Of Chhattisgarh Through Police Of Police Station Bodhghat, District Bastar At Jagdalpur C.G.

... Non-applicant

For Applicant	:	Ms. A. Sandhya Rao, Advocate
For Non-applicant /State	:	Mr. Sourabh Sahu, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

27/10/2026

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. 108/2026, registered at

Police Station Bodhghat, District – Bastar (C.G.) for offence punishable under Sections 137(2), 87, 64(1) and 64(2)(m) of BNS and Sections 4 and 6 of POCSO Act.

2. As per the case of the prosecution, the present applicant abducted the minor victim, aged about 14 years and 3 months from her parent's house and sexually assaulted her on the pretext of marriage. On the complaint made by victim's mother, police registered the aforesaid offences against the present applicant.

3. Ms. A. Sandhya Rao, learned counsel for the applicant, would argue that the victim has already been examined before the trial Court and she has not at all supported the case of the prosecution. She would further contend that there was a love affair between the applicant and the victim and the relationship between them was consensual in nature. She would lastly contend that investigation has been completed, charge-sheet has already been filed and the applicant is in jail since 02/04/2026 and he has no criminal antecedents, thus, he 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 14 years and 3 months and therefore, the contention of consent of the victim would be irrelevant as she was a minor. He would further 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. Victim and her mother appeared before this Court through video conferencing from the concerned District Legal Services Authority (DLSA) and gave their consent for 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 the victim has already been examined before the trial Court and she has not at all supported the case of the prosecution and she has also given her consent for grant of bail to the applicant and further considering that charge-sheet has been filed, the applicant has no criminal antecedents and he is in jail since 02/04/2026, this Court, without expressing any opinion on the merits of the case, is of the considered view that a fit case for grant of regular bail is made out. Accordingly, the bail application filed by the applicant is **allowed**.

8. 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 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.

9. The observation made herein-above is for the purpose of deciding this bail application only, the trial Court shall decide the case on its own merits.

Sd/-

(Rakesh Mohan Pandey)

JUDGE

Harneet