CGHC010297462026 2026:CGHC:45080

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7448 of 2026

Bhanu Pratap Jangde S/o Ramesh Jangde Aged About 25 Years R/o Village Anjora Dhaba, Police Station Bori, District Durg, Chhattisgarh **... Applicant**

versus

State Of Chhattisgarh Through S.H.O., Post Nagpura, Police Station Pulgaon, District Durg (C.G.) **... Non-Applicant**

Digitally signed by ALLENA ANJANI KUMAR
Date: 2026.10.28 11:02:57 +0530

For Applicant	:	Shri Shikhar Bhaktiyar, Advocate.
For Non-Applicant/State	:	Ms. Monika Thakur, Panel Lawyer

(HON'BLE SHRI JUSTICE RAKESH MOHAN PANDEY)

Order on Board

26/10/2026

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.206/2025 registered at Police Station Pulgaon, District Durg (C.G.), for the offence punishable under Sections 65(1) of Bhartiya Nyay Sanhita, 2023 (for short, the BNS, 2023) and Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012 (for brevity, the POCSO Act, 2012).

2. As per the case of the prosecution, on 04.06.2025, father of the victim lodged an F.I.R. to the effect that her daughter/victim left the house

without informing her family and despite search, she was not traced out. Later on, the father/complainant learnt that the victim was in the company of the present applicant at village Anjora Dhaba. It is alleged that the applicant continuous established physical relations with the victim between 25.05.2025 to 02.06.2025 against her will. On such allegations, the police registered the offence as stated above.

3. Learned counsel for the applicant would submit that the though the victim supported the case of the prosecution in examination-in-chief but in cross-examination, she categorically stated that on account of anger, F.I.R. lodged. He would contend that in the present case, charge-sheet has already been filed; applicant is in jail since 04.06.2025; he has no criminal antecedents and conclusion of the trial is likely to take some considerable time. Therefore, he would pray that the bail 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 submissions advanced by the learned counsel for the applicant. She would submit that on the date of incident, the age of the victim was 15 years 11 months and thus she was minor. Section 2 (f) of the Act, 2012 defined penetrative sexual assault, which has the same meaning as assigned to it in section 3 and she was not capable to give her consent. It is also argued that there are serious allegations of sexual assault against the present applicant, therefore, the bail application deserves to be rejected.

5. Victim along with her father appeared through virtual mode from the concerned DLSA and raised serious objection in releasing the applicant on bail.

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

7. It is a well-settled principle of law that credibility and reliability of evidence of prosecution witnesses cannot be examined while entertaining the bail application as mini-trial is not permissible. The victim has been examined before the learned trial Court and in examination-in-chief, she made serious allegation of sexual assault and has supported the case of prosecution. Though there are some contradictions and omissions in her cross-examination, but that part of evidence cannot be appreciated at this stage and further the age of the victim was 15 years and 11 months.

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.

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