CGHC010303502026 2026:CGHC:46728

**NAFR**

## HIGH COURT OF CHHATTISGARH AT BILASPUR

**MCRC No. 7182 of 2026**

**1 -** Anil Kumar Lohra S/o Muneshwar Lohra Aged About 18 Years R/o Village Raro Tola, Bholadamar, P.S. Dandai, Distt. Garhwa, Jharkhand.

**... Applicant(s)**

**versus**

**1 -** State Of Chhattisgarh Through Station House Officer (S.H.O.), P.S. Ramchandrapur, Distt. Balrampur Ramanujganj, Chhattisgarh. **.. Respondent**

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| For Applicant | : | Mr. Vimal Pathak, Advocate |
| For Respondent/State | : | Mr. Akash Agrawal, P.L. |

**Hon'ble Shri Justice Rakesh Mohan Pandey**

**Order on Board**

**04.11.2026**

**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. 27/2025, registered at Police Station Ramchandrapur, District Balrampur Ramanujganj (C.G.) for the offence punishable under Sections 137(2), 87, 64(2)(m) of BNS, and 5(j)(ii) and 5(I)/6 of POCSO Act.

2 Case of the prosecution, in brief, is that the applicant sexually assaulted the victim, aged about 17 years and 8 months on the pretext marriage. The FIR was lodged against the applicant by the father of the victim, pursuant to which the offences, as stated above, were

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registered against him.

3 In pursuance of the notice dated 06.08.2026 issued to the victim, today the victim along with her father appeared before this Court through video conferencing from concerned DLSA and have raised objection to releasing the applicant on bail.

4 Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the present case. He further submits that the victim has already been examined before the trial Court and she has not supported the case of the prosecution and she denied the suggestions put forth by the public prosectuor. It is also argued that the applicant is in jail and has no criminal antecedents. The age of the victim was around 18 years at the time of the incident and there was a consensual relationship between them. No offence, as alleged, was committed by the applicant. The applicant is in jail since 25.12.2025. He, therefore, prays for grant of bail to the applicant.

5 On the other hand, learned State Counsel opposes the bail application and submits that the victim was aged about 17 years and 8 months at the time of the incident. In her statement recorded under Section 183 of the BNSS, she made allegations of sexual assault against the present applicant. He further submits that the victim gave birth to a child and the DNA test report has confirmed the paternity of the child qua the present applicant. He would further submit that, as the victim was a minor at the time of the incident, she falls within the definition of a child under Section 2(d) of the POCSO Act and was not competent to give consent. Therefore, he prays for rejection of the bail applica-

tion.

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

7 Taking into consideration the facts and circumstances of the case, particularly the fact that the victim has already been examined before the trial Court and, in her statement, disclosed her age as 19 years on 08.05.2026 and she did not support the case of the prosecution, having turned hostile, and further denied the suggestions put forth by the learned Public Prosecutor, as well as the fact that the applicant has no criminal antecedents, has been in custody since 25.12.2025, and the conclusion of the trial is likely to take some time, I am inclined to grant bail to the present applicant. Accordingly, the bail application is **allowed**.

8 Let applicant be released on bail on furnishing a personal bond of Rs. 50,000/- with one surety in the like sum to the satisfaction of the court concerned with the following conditions:-

> **(i)** The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.
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> **(ii)** The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

**(iii)** In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

**(iv)** The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

Sd/-

**(Rakesh Mohan Pandey)**
**Judge**

*Jyoti*