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KUNAL DEWANGAN

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7290 of 2026

Uday Raj S/o Bahoran Singh, Aged About 35 Years Resident Of Village Basaha, Police Station Sipat District Bilaspur, Chhattisgarh.

... Applicant(s)

versus

State Of Chhattisgarh Through Police Station Pali, District Korba, Chhattisgarh.

... Non-Applicant(s)

For Applicant	:	Mr. Anshul Tiwari, Advocate.
For Non-Applicant/State	:	Ms. Monika Thakur, Panel Lawyer.
For Objector	:	Mr. Aniket Pandey, Advocate.

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

26/10/2026

1. The applicant has preferred this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 33/2026, registered at Police Station Pali, District Korba (C.G.), for the offences punishable under Sections 137(2) and 64 of the BNS and Sections 4 and 6 of the POCSO Act.

2. The prosecution story, in brief, is that on 25.01.2026, the victim, aged about 17 years and three months, went missing from her

house, whereupon her mother lodged a report on 26.01.2026. During investigation, the victim was recovered from Punjab and disclosed that she had accompanied the applicant to Punjab, where they solemnized marriage in a temple and lived together as husband and wife. On the basis of her statement and age, the aforesaid offences were registered against the applicant.

3. Learned counsel for the applicant would submit that the applicant is innocent and has been falsely implicated in the present case. He would further submit that the applicant and the victim became acquainted through Instagram and subsequently developed a relationship, pursuant to which the victim voluntarily accompanied the applicant to Punjab, where they solemnized marriage and lived together as husband and wife without any force or coercion. He would further submit that the victim has already been examined before the learned trial Court and has not supported the prosecution case. The applicant is in jail since 02.05.2026, charge-sheet has already been filed and the conclusion of trial is likely to take some time. Therefore, he prays for grant of bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that the victim was a minor at the time of the alleged incident and therefore, her consent or the alleged marriage would not absolve the applicant of the offences alleged against him. Considering the nature and gravity of the allegations, the applicant is not entitled to be released on bail.

5. Learned counsel for the objector would submit that the applicant subjected the victim to sexual assault when she was below 18 years

of age. Therefore, considering the nature and gravity of the offence, the applicant is not entitled to be released on bail.

6. Pursuant to the notice issued by a co-ordinate Bench of this Court, the mother of the victim appeared before a Co-ordinate Bench of this Court on 25.08.2026 and raised an objection to the grant of bail to the applicant.

7. I have heard learned counsel appearing for the parties and perused the case diary as well as the material available on record.

8. Having considered the facts and circumstances of the case, nature and gravity of the offences alleged against the applicant, the age of the victim, her statement recorded under Section 183 of the BNSS, wherein she disclosed that she had accompanied the applicant to Punjab, solemnized marriage with him and lived together as husband and wife, the fact that the victim has already been examined before the learned trial Court, the charge-sheet has already been filed, the applicant is in jail since 02.05.2026 and the conclusion of trial is likely to take some time, thus without commenting upon the merits of the case, this Court is inclined to grant bail to the applicant.

9. Accordingly, the bail application is **allowed**. 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 the 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, &

(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.

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal