CGHC010304672026 2026:CGHC:43631

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7312 of 2026

1 - Vijay Kishor Jaiswal S/o- Rajkumar Jaiswal, Aged About 28 Years R/o- Village Kot, P.S. Kasdol, District- Baloda Bazar- Bhatapara (C.G.) **... Applicant(s)**

versus

1 - State Of Chhattisgarh Through The Station House Officer, Police Station Kasdol, District- Baloda Bazar- Bhatapara (C.G.) **... Respondent(s)**

For Applicant (s)	:	Mr. Adil Minhaj, Advocate
For Respondent(s)/State	:	Mr. Akash Agrawal, P.L.

Hon'ble Mr. Justice Rakesh Mohan Pandey

Order on Board

08.10.2026

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. 180/2026, registered at Police Station Kasdol, District Baloda Bazar Bhatapara (C.G.) for the offence punishable under Sections 64(2)(m), 69 and 88 of BNS and 5(L) r/w 6 of POCSO Act.

2. The case of the prosecution, in brief, is that on 26.04.2026, the prosecutrix lodged an FIR against the present applicant, alleging that the applicant sexually assaulted her on the pretext of marriage when she was below 18 years of age, and that the said acts continued until

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the lodging of the report. It is further alleged that during this period, the prosecutrix conceived and subsequently aborted the child. Pursuant to the aforesaid allegations, the offences, as stated above, were registered against the applicant.

3. Learned counsel appearing for the applicant would submit that the date of birth of the victim is 08.07.2000 and that on the alleged first date of the incident, i.e., 15.04.2018, she was aged about 17 years and 9 months. He would further submit that no action was taken by the victim and that their consensual relationship continued before the lodging of the FIR. The FIR was lodged at a belated stage on 24.06.2026. He also submits that the charge-sheet has already been filed and the applicant is in jail since 27.04.2026. He, therefore, prays for grant of bail to the applicant.

4. On the other hand, learned State Counsel would oppose the bail application and submit that the applicant sexually exploited the victim on the pretext of marriage for a long period of eight years and subsequently refused to marry her. He would further submit that serious allegations of sexual assault have been made against the present applicant and, therefore, the application filed by the applicant for grant of bail may be rejected.

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

6. Taking into consideration the facts and circumstances of the case, particularly the fact that the relationship between the present applicant and the victim continued from 15.04.2018 till April 2026, and that they

were in a consensual relationship, the applicant has no criminal antecedents, and there is a delay in lodging the FIR, and also considering the fact that the applicant is in custody since 27.04.2026, the charge-sheet has already been filed, 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**.

7. 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.

(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