CGHC010305102026 2026:CGHC:42912

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7379 of 2026

Anoj Das S/o Kabir Das Aged About 24 Years R/o Village Salka Patratoli, Police Station Darima, District- Sarguja (C.G.)

... Applicant(s)

versus

KUNAL DEWANGAN

Digitally signed by KUNAL DEWANGAN

State Of Chhattisgarh Through Police Station Gandhinagar, District- Surguja (C.G.)

... Non-Applicant(s)

For Applicant	:	Mr. Anurag Singh, Advocate.
For Non-Applicant/State	:	Mr. Vivek Sharma, Panel Lawyer

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

05/10/2026

1. The applicant has preferred this First Bail Application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 245/2026, registered at Police Station Gandhinagar, District Surguja (C.G.), for the offence punishable under Sections 137(2), 65(1), 64(2)(m) and 87 of the Bharatiya Nyaya Sanhita, 2023 and Sections 5(1) and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. The case of the prosecution, in brief, is that the applicant is alleged to have taken the minor victim with him on the pretext of marriage and committed sexual assault upon her repeatedly and thereafter made obscene photographs and videos of the victim and circulated the same. On the basis of the aforesaid allegations, 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 during the course of trial, the victim has already been examined before the learned trial Court and has not supported the case of the prosecution and has been declared hostile. He would submit that the testimony of the victim, who is the star and material witness of the prosecution, does not substantiate the allegations levelled against the applicant. He would further submit that the mother and father of the victim have also been examined before the learned trial Court and they too have not supported the prosecution case and have been declared hostile. Thus, the principal witnesses upon whose testimony the prosecution case rests have failed to support the allegations against the applicant. He would further submit that the charge-sheet has already been filed before the competent Court and the applicant is in jail since 09.05.2026 and the victim along with her father also appeared before a co-ordinate Bench of this Court through video conferencing and jointly expressed their consent for grant of bail to the applicant and conclusion of the trial is likely to take some time. Therefore, he prays for grant of bail to the applicant.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that the allegations levelled against the applicant are serious in nature. He would further submit that the applicant has one criminal antecedent, which has not been explained in the bail application, registered for the offences punishable under Sections 509-B of the Bharatiya Nyaya Sanhita and Sections 67 and 67-A of the Information Technology Act. Accordingly, he prays for rejection of the bail application.

5. Pursuant to the order dated 09.09.2026, the victim along with her father appeared before a Coordinate Bench of this Court through video conferencing and expressed her consent for grant of bail to the applicant.

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

7. Considering the overall facts and circumstances of the case, nature and gravity of the allegations levelled against the applicant and particularly, considering the fact that the victim and her father have already been examined before the learned trial Court and have not supported the case of the prosecution and have been declared hostile and further considering the testimony of the victim, wherein she has denied the allegations levelled against the present applicant in the FIR as well as in her statement recorded under Section 183 of the BNSS and has also denied the suggestions put forth by the learned Public Prosecutor and further considering the fact that the victim along with her father appeared before a Co-

ordinate Bench of this Court through video conferencing and expressed no objection to the grant of bail to the applicant, coupled with the fact that the charge-sheet has already been filed before the competent Court and the applicant is in custody since 09.05.2026, the conclusion of the trial is likely to take some time. Thus, without further commenting upon the merits of the case, this Court is of the considered view that the applicant deserves to be released on regular bail.

8. Accordingly, the bail application of the applicant 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