CGHC010308872026 2026:CGHC:43008

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7414 of 2026

1 - Ganpat Yadav Son Of Dawaru Yadav, Aged About 24 Years Resident Of Tendubahara, P. S. Dharamgarh, District Kalahandi (Odisa),

... Applicant

versus

1 - State Of Chhattisgarh Through The Station House Officer, Police Of Police Station Chhura, District Gariyabandh (C.G.)

... Non-applicant

For Applicant	:	Mr. A.D. Kuldeep, Advocate
For Non-applicant /State	:	Ms. Ankita Shukla, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

05/10/2026

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. 149/2026, registered at Police Station Chhura, District – Gariyabandh (C.G.) for offence

punishable under Sections 137(2), 64(2)(N), 65(1) of BNS and Sections 4(2) and 6 of POCSO Act.

2. As per the case of the prosecution, a missing complaint was lodged by the father of the minor victim on 08/10/2025 stating that her daughter had gone for dussehra celebration on 04/10/2025 but did not returned to home. Subsequently, on 27/04/2026, the victim was recovered from Uttar Pradesh who was staying there along with the present applicant. Accordingly, the FIR was registered and the applicant was arrested.

3. Mr. A.D. Kuldeep, learned counsel for the applicant, would argue that on the date of the incident, there was a love affair between the applicant and the victim and both of them stayed at Uttar Pradesh and established physical relations consensually. He would further contend that victim and her mother have been examined before the trial Court and they have not supported the case of the prosecution. He would lastly submit that the investigation has been completed and charge-sheet has already been filed and the applicant is in jail since 29/04/2026, thus, the appellant be released on bail as conclusion of trial is likely to take some time.

4. On the other hand, Ms. Ankita Shukla, learned counsel appearing for the non-applicant/State, would oppose the bail application and submit that at the time of the incident, the victim was aged about 15 years and 5 months and therefore, the contention of consent of the victim would be irrelevant as she was a minor. She would lastly

submit that serious allegations have been levelled against the applicant with regard to sexual assault of the minor victim, therefore, he is not liable to be released on bail.

5. In compliance of order dated 12/08/2026, the victim appeared before this Court through video conferencing and stated that she has no objection in grant of bail to the applicant.

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

7. Though on the date of the offence, the age of the victim was 15 years and 5 months but in her statement before the trial Court, she has clearly stated that her date of birth is 05/04/2007 and on the date of the incident, her age was more than 18 years and she has further deposed that she was in a love affair with the applicant and they have performed marriage in a temple and consummated the marriage and has also conceived, as such, the victim as well as her mother, both have been examined and they have not supported the case of the prosecution.

8. Having considered the facts and circumstances of the case particularly considering that victim has no objection in grant of bail to the applicant, the investigation is complete and charge-sheet has already been submitted; the applicant is in custody since 29/04/2026, this Court, without expressing any opinion on the merits of the case, is of the considered view that a fit case for grant of regular bail is made out. Accordingly, the bail application filed by

the applicant is **allowed**.

9. 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 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, and

   (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.

10. The observation made herein-above is for the purpose of deciding this bail application only, the trial Court shall decide the case on its own merits.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Harneet