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HARNEET KAUR

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7440 of 2026

1 - Vikas Kumar Cherwa S/o Rajroop Cherwa Aged About 24 Years R/o Kadamnara Aurapara, P.S. And Tahsil Baikunthpur, District Koriya Chhattisgarh

... Applicant

versus

1 - State Of Chhattisgarh Through S H O P.S. Baikunthpur District Koriya Chhattisgarh

... Non-applicant

For Applicant	:	Mr. Shashikesh Yadav, Advocate
For Non-applicant /State	:	Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

12/10/2026

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. 65/2026, registered at Police Station Baikunthpur, District – Koriya (C.G.) for offence punishable under Sections 137(2), 87, 64(1) and 65(1) of BNS and Section 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 19/02/2026 stating that victim left her house in the intervening night of 17/02/2026 and 18/02/2026 and has not been found since then and subsequently, the victim was recovered on 20/02/2026 from the residence of the applicant. On the basis of allegation of applicant having abducted the victim and thereafter, he sexually assaulted her, the police registered the aforesaid offences against the applicant and arrested him.

3. Mr. Shashikesh Yadav, learned counsel for the applicant, would argue that on the date of the incident, the age of the victim was 14 years and there was a love affair between the applicant and the victim the the relationship between them was consensual in nature. He would further submit that the investigation has been completed and charge-sheet has already been filed and the applicant is in jail since 21/02/2026, thus, the applicant be released on bail as conclusion of trial is likely to take some time.

4. On the other hand, Ms. Smriti Shrivastava, 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 14 years 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. The victim along with her father appeared before this Court through video conferencing from the concerned District Legal Services Authority (DLSA) and has raised serious 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. Taking into consideration the facts and circumstances of the case, particularly considering the serious allegations made against the applicant and further considering that on the date of the incident, the age of the victim was 14 years and looking to the evidence of the victim recorded before the trial Court wherein she has supported the case of the prosecution, I am not inclined to release the present applicant on bail.

8. Accordingly, this bail application filed by the applicant – **Vikas Kumar Cherwa** in connection with Crime No. 65/2026, registered at Police Station Baikunthpur, District – Koriya (C.G.) for offence punishable under Sections 137(2), 87, 64(1) and 65(1) of BNS and Section 6 of POCSO Act is hereby **rejected**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Harneet