CGHC010316782026 2026:CGHC:43581

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2062 of 2026

SIDDHANT TAMRAKAR
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Date: 2026.10.08 13:59:52 +0530

- Hitesh Kumar Kewat S/o Gautam Prasad Kewat Aged About 26 Years R/o- Village Kansa, Police Station- Dabhra, District Sakti, Chhattisgarh

... Appellant

versus

- State Of Chhattisgarh Through S.H.O. Of Police Station- Women Police Station District Raigarh, Chhattisgarh

... Respondent

For Appellant : Mr. Abhishek Saraf, Advocate
For State : Mr. Dharmesh Shrivastava, Dy. A.G.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

08.10.2026

1. Victim appeared through V.C. and raised serious objection in grant of bail to the appellant.

2. The appellant has preferred this Criminal Appeal under Section 14-A(2) of the SC/ST (Prevention of Atrocities) Act, 1989 for setting aside of order dated 04.07.2026 passed by the Special Judge (Atrocities), Raigarh (C.G.) and for grant of regular bail to the appellant, who has been arrested in connection with Crime No. 59/2026, registered at Police Station- Women Police Station, District Raigarh (C.G.) for the offence punishable under Section 69 of BNS and Section 3(2)(V) of the SC/ST (Prevention of Atrocities) Act, 1989 (for short Act, 1989).

3. As per the case of the prosecution, victim lodged an FIR on 13.06.2026, stating that the applicant and victim were in an affair and on pretext of marriage, the appellant established physical relationship with her from November, 2025, which continued till 30.01.2026. It is further stated that when victim came to know that marriage of the appellant had already been settled with another girl, she lodged the FIR.

4. Learned counsel appearing for the appellant submits that as there was an affair and consensual relationship between the appellant and victim, Section 3(2)(v) of the Act of 1989 would not attract. He would submit that victim is a mature lady, aged about 28 years, charge-sheet has already been filed, appellant is in jail since 25.06.2026, and he has no criminal antecedents. He would pray for grant of bail.

5. On the other hand, learned State counsel opposes the appeal for grant of regular bail. Mr. Dharmesh Shrivastava, learned Deputy Advocate General would contend that the appellant herein sexually assaulted the victim, knowing very well that she belongs to Scheduled Tribe community. It is also contended that there are serious allegations of sexual assault against the present applicant in statement of victim recorded under Section 183 of the BNSS, therefore, this appeal deserves to be dismissed.

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

7. Having considered the facts and circumstances of the case, the fact that victim is a lady aged about 28 years, relationship between the appellant

and victim continued from November, 2025 till January, 2026 and she lodged the FIR when marriage of the appellant herein was fixed. Further, with regard to Section 3(2)(v) of the Act of 1989, there is no allegation in FIR that the appellant maintained relationship with the victim knowing that she belongs to a particular category, coupled with the fact that charge-sheet has already been filed and applicant is in jail since 25.06.2026, I am inclined to allow this appeal. The order dated 04.07.2026 passed by the Special Judge (Atrocities), Raigarh in Special (Atrocities) Case No. 21/2026 is hereby set-aside. Accordingly, instant criminal appeal is hereby **allowed.**

8. It is directed that, in the event of the appellant executing a personal bond in the sum of Rs. 50,000/- with one surety 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, &
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> (iii) he shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

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