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KUNAL DEWANGAN

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7774 of 2026

Shesh Narayan Patel S/o Ramawadh Patel Aged About 26 Years Caste Kunbi--R/o Village Rampur Tehsil Pratappur. P. S. Chandaura, District Surajpur C. G.

... Applicant(s)

versus

State Of Chhattisgarh Through- Station House Officer, Police Chowki, Revti, P. S. Chandaura, District Surajpur C. G.

... Non-Applicant(s)

For Applicant	:	Mr. D.N. Prajapati, Advocate.
For Non-Applicant/State	:	Ms. Priya Sharma, Panel Lawyer

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

14/10/2026

1. The applicant has preferred this first bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail, as he has been arrested in connection with Crime No. 122/2025 registered at Police Chowki Revti, Police Station Chandaura, District Surajpur (C.G.), for the offences punishable under Sections 137(2), 64(2)(m), 115(2) and 142 of the Bharatiya Nyaya Sanhita, 2023 and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. The case of the prosecution, in brief, is that on 15.12.2025, the mother of the victim lodged a report alleging that on 07.09.2025, the applicant had abducted the victim and detained her at his house, where he allegedly committed sexual intercourse with her on the pretext of marriage. On the basis of the said report, the FIR was registered against the applicant. During investigation, as the applicant was shown to be absconding, the charge-sheet was filed before the learned trial Court against his mother.

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 the applicant and the victim were in a love relationship and have subsequently solemnized their marriage, out of which a child has been born. It is further contended that the victim and her mother have already been examined before the learned trial Court and have not supported the prosecution case. He would also submit that the victim has now attained majority and is residing with the applicant of her own free will, without any fear, coercion or duress. He would further submit that the charge-sheet has already been filed before the competent Court, the applicant is in jail since 20.07.2026 and has no criminal antecedents. It is also submitted that the trial against the applicant's mother has concluded and, vide judgment dated 21.07.2026 passed in Special Case (POCSO Act) No. 1/2026, she has been acquitted of the offences punishable under Sections 115(2) and 116 of the Bharatiya Nyaya Sanhita and Section 17 of the POCSO Act. Therefore, learned counsel prays for grant of regular bail to the

applicant.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that at the time of the alleged incident, the victim was aged about 17 years and 7 months and was, therefore, a minor. It is further submitted that the applicant allegedly abducted the victim and sexually exploited her on the pretext of marriage. Therefore, considering the nature and gravity of the allegations, the applicant is not entitled to be enlarged on bail.

5. Pursuant to the order dated 20.08.2026, the victim appeared in person before this Court and expressed her consent to the grant of bail to the applicant. She stated that she had solemnized marriage with the applicant, that a child had been born out of their wedlock, and she is presently residing at the applicant's house of her own free will.

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, nature of the allegations, the fact that the victim and her mother have been examined before the learned trial Court and have not supported the prosecution case, the statement made by the victim before this Court expressing her consent to the grant of bail, the fact that the applicant and the victim have solemnized marriage and have a child born out of their wedlock, the fact that the charge-sheet has been filed, the period of incarceration of the applicant since 20.07.2026 and the fact that the applicant has no criminal antecedents, thus

without further commenting upon the merits of the case, I am inclined to enlarge the applicant on 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