CGHC010320262026 2026:CGHC:45316

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7881 of 2026

1 - Mukesh Ram S/o Lav Kumar Ram Aged About 21 Years R/o Village Bhelwadih Piparpara Police Station Balrampur District- Balrampur-Ramanujganj (C.G.)

… Applicant

versus

1 - State Of Chhattisgarh Through Station House Officer Police Station Balrampur District- Balrampur- Ramanujganj (C.G.)

... Non-applicant

For Applicant	:	Dr. Prachi Diwan, Advocate
For Non-applicant /State	:	Mr. Sourabh Sahu, P.L.

Hon’ble Shri Justice Rakesh Mohan Pandey

Order on Board

27/10/2026

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. 10/2026, registered at Police Station Balrampur, District – Balrampur-Ramanujganj (C.G.) for offence punishable under Sections 64(2)(M), 65(1) and 89 of BNS and Sections 4(2), 5(j)(ii) and 5(h)(6) of POCSO Act.

2. As per the case of the prosecution, victim lodged report on 21.01.2026 before Police Station Balrampur and stated that from the year 2021 till November 2025, the present applicant continuously established physical relations with her on the assurance that he would marry her, as a consequence of the same, the victim became pregnant in September 2025 thereafter, in October 2025, without the free consent and against the wishes of the victim, the accused allegedly administered certain medicines to her and caused the termination of her pregnancy thereafter, the applicant stopped communicating with her and refused to marry her. As per the said report, the aforesaid offences were registered against the applicant.

3. Dr. Prachi Diwan, learned counsel for the applicant, would argue that there was a love affair between the applicant and the victim and the relationship between them was consensual in nature. She would further contend that the victim has already been examined before the trial Court wherein she has clearly stated that the applicant and victim were staying together in a rented house for the last 4-5 years and during that period, they maintained physical relations and she conceived. She would also submit that the FIR was lodged by the victim after attaining the age of majority. She would lastly contend that investigation has been completed, charge-sheet has already been filed and the applicant is in jail since 22/01/2026 and he has no criminal antecedents and out of 14 witnesses, only 3 witnesses have been examined till date, thus, the applicant may be released on bail as conclusion of trial is likely to take some time.

4. On the other hand, Mr. Sourabh Sahu, 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 a minor and therefore, the contention of consent of the victim would be irrelevant. He would further 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. Victim appeared before this Court through video conferencing from the concerned District Legal Services Authority (DLSA) and 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. Having considered the fact that the victim lodged the FIR after attaining the age of majority on 21/01/2026 and the victim has already been examined before the trial Court wherein she has stated that she was in a love affair with the applicant and they resided together in a rented house for 4-5 years and established physical relations and further considering that charge-sheet has been filed, the applicant has no criminal antecedents and he is in jail since 22/01/2026 and out of 14 witnesses only 3 have been examined so far which shows that the conclusion of trial may take considerable time, 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**.

8. 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.

9. 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