CGHC010321142026 2026:CGHC:46524

**NAFR**

# HIGH COURT OF CHHATTISGARH AT BILASPUR

**MCRC No. 7693 of 2026**

Nageshwar Sahu Son Of Dhansai Aged About 21 Years Resident Of Hedaspali, P.S. Bhanwarpur District Mahasamund (C.G.) **... Applicant**

Digitally signed by ALLENA ANJANI KUMAR
Date: 2026.11.04 10:12:19 +0530

**versus**

State Of Chhattisgarh Through The Station House Officer, Police Of Police Station Basna (Wrongly Written As Bhanwarpur), District Mahasamund (C.G.)

**... Non-applicant**

| | | |
|---|---|---|
| For Applicant | : | Shri Ajay Kumar Chandra, Advocate. |
| For Non-applicant/State | : | Ms. Priya Sharma, Panel Lawyer |

**(HON'BLE SHRI JUSTICE RAKESH MOHAN PANDEY)**

**Order on Board**

**03/11/2026**

**1.** Victim along with her parents appeared through virtual mode and the victim raised serious objection in granting bail to the applicant.

**2.** This is the **First bail application** filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.265/2026 registered at Police Station Basna, District Mahasamund (C.G.), for the offence punishable under Sections 65(1), 331(4) of Bhartiya Nyay Sanhita, 2023 (for short, the BNS, 2023), Section 6 of the Protection of Children from Sexual Offences Act, 2012 (for brevity, the POCSO Act, 2012) and Section 3(2)(v) of the Scheduled Caste and

Scheduled Tribe (Prevention of Atrocities Act, 1989 (hereinafter referred to as the Act, 1989).

**3.** As per the case of the prosecution, on 17.05.2026 at around 10:00 pm, the applicant entered the house of the victim and finding her alone, he committed physical relations with her forcibly and when the complainant saw this incident, the applicant fled away from the spot. The complainant lodged a report at Police Station Basna. On the basis of such complaint, offence as stated above has been registered against the applicant.

**4.** Learned counsel for the applicant would submit that there was love affair between the applicant and the victim and on account of pressure created by the parents, the victim lodged a report and F.I.R. against the present applicant has been registered. He would further contend that charge-sheet has been filed; applicant is in jail since 21.05.2026; he has no criminal antecedents and conclusion of the trial is likely to take some considerable time. Therefore, he would pray that the bail application may be allowed and the applicant may be enlarged on bail.

**5.** On the other hand, learned counsel for the State would oppose the submissions advanced by the learned counsel for the applicant. He would submit that on the date of incident, age of the victim was 15 years and 08 months and thus she was not legally competent to give her consent. It is also contended that the victim is a child falls under the definition of Section 2 (d) of the POCSO Act and that, the victim, in her statement under Section 183 of BNSS, has made serious allegations of sexual assault against the applicant, therefore, the bail

application deserves to be rejected.

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

**7.** Having considered the age of the victim, who was 15 years 08 months on the date of incident; considering the definition of child given under Section 2(d) of the POCSO Act, allegation of sexual assault made against the applicant by the victim in her statement under Section 183 BNSS and the objection raised by the victim through virtual mode, I am not inclined to grant bail to the applicant. Accordingly, the instant bail application fails and is hereby **rejected.**

Sd/-

(Rakesh Mohan Pandey)

**JUDGE**

Anjani