CGHC010323022026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2081 of 2026

Gulesh Patel S/o Hemnath Patel Aged About 23 Years R/o Village - Botepar, Thana Ghumka, Distt. Rajnandgaon Chhattisgarh

... Appellant(s)

versus

State Of Chhattisgarh Through Thana Ghumka, Distt. Rajnandgaon Chhattisgarh

... Respondent(s)

For Appellant	:	Mr. Arvind Prasad, Advocate.
For Respondent/State	:	Mr. Dharmesh Shrivastava, Dy. Adv. Gen.

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

03/11/2026

1. The appellant has preferred this appeal under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, seeking grant of regular bail, as he has been arrested in connection with Crime No. 66/2026, registered at Police Station Ghumka, District Rajnandgaon (C.G.), for the offences punishable under Sections 64(1), 64(2)(m) and 351(2) of the Bharatiya Nyaya Sanhita, 2023, and Section 3(B)(ii) of the

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

2. The prosecution story, in brief, is that the victim, who belongs to the Scheduled Caste community, used to attend a coaching centre and during that period, came into contact with the appellant, whose house was situated on her way. It is alleged that on 13.02.2026, when the victim was alone at her house, the appellant came there and expressed his love and intention to marry her. Upon the victim declining his proposal, the appellant allegedly caught hold of her hand and despite her resistance, established physical relations with her against her will. He also allegedly threatened to kill her parents if she disclosed the incident to anyone. Subsequently, the victim got married to one Shubham Kosre and went to her matrimonial home, where she became pregnant. Thereafter, upon the appellant informing her husband about the alleged incident, her husband conducted a pregnancy test, which was found positive and she was allegedly turned out of her matrimonial home. On the basis of the written complaint lodged by the victim, the aforesaid offences were registered against the appellant. After completion of investigation, the charge-sheet has been filed before the competent Court.

3. Learned counsel for the appellant would submit that the appellant is innocent and has been falsely implicated in the present case. He would further submit that the victim was a major lady and there was a love affair between the appellant and the victim, pursuant to

which they had consensual physical relations for a considerable period. Thereafter, the victim got married to another person, namely, Shubham Kosre, and conceived from her husband. It is submitted that the present case has been falsely lodged against the appellant. Learned counsel would further submit that the charge-sheet has already been filed before the competent Court, the appellant is in jail since 15.06.2026, he has no criminal antecedents and conclusion of the trial is likely to take some time. On these grounds, learned counsel prays for grant of bail to the appellant.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that the appellant sexually exploited the victim on the pretext of marriage and serious allegations have been levelled against him. He would further submit that the appellant was well aware of the fact that the victim belongs to the Scheduled Caste community and despite knowing the same, he sexually exploited her. Therefore, the appellant is not entitled to be released on bail.

5. Pursuant to the order dated 27.10.2026, the victim along with her mother appeared before this Court through video conferencing and raised serious objection in grant of bail to the applicant.

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

7. Having considered the facts and circumstances of the case, nature and gravity of the offence alleged against the appellant, the

submissions made on behalf of the parties, particularly the fact that there was a love affair between the appellant and the victim and as per the defence of the appellant, they had a consensual relationship for a considerable period, the fact that the victim has subsequently married with another person and false case has been lodged against the appellant, the fact that the charge-sheet has already been filed, the appellant is in jail since 15.06.2026 and has no criminal antecedents, thus without further commenting upon the merits of the case, I am inclined to grant bail to the appellant.

8. Accordingly, the bail application is **allowed**. It is directed that in the event of the appellant 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