CGHC010323292026 2026:CGHC:45550

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7803 of 2026

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Date: 2026.10.29 14:59:07 +0530

Hemsingh Dhruv S/o Bharat Dhruv Aged About 48 Years R/o Village Rajkatti, Police Station Fhingeshwar, District- Gariyaband, Chhattisgarh.

... Applicant

versus

State Of Chhattisgarh Through - Station House Officer, Police Station-Fhingeshwar, District-Gariyaband, Chhattisgarh. **... Non-Applicant**

For Applicant	:	Shri Sudhir Verma, Advocate.
For Non-applicant/State	:	Ms. Laxmeen Kashyap, Panel Lawyer.

(HON'BLE SHRI JUSTICE RAKESH MOHAN PANDEY)

Order on Board

28/10/2026

1. Heard on admission

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.292/2025 registered at Police Station Fhingeshwar, District Gariyaband (C.G.), for the offence punishable under Sections 64(2)(f), 64(2)(m), 65(1) of Bhartiya Nyay Sanhita, 2023 (for short, the BNS, 2023) and Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012 (for brevity, the POCSO Act, 2012).

3. As per the case of the prosecution, on 01.10.2025, the victim herself, aged 13 years and 10 months, lodged an F.I.R. to the effect that two months prior she was called upon by her boy-friend, namely, Ankit, who took her to Nashik and subsequently she was recovered by the Police. It is alleged that the present applicant, who is her step-father, touched her private parts and on 14.10.2025 at about 1.00 pm, while she was alone in her house, he sexually assaulted and on 28.10.2025 again, the applicant repeated the offence. Thereafter, she narrated the incident to her mother and lodged F.I.R. The police registered the offence as stated above.

4. Learned counsel for the applicant would contend that on account of the victim being brought back to her village by the present applicant, she got annoyed and lodged false F.I.R. It is also contended that the complainant had gone to Nashik along with one Ankit and at present she has again left her house along with said person. It is argued that the allegations made against the applicant are improbable; charge-sheet has already been filed; applicant is in jail since 02.10.2025; 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. She would submit that the age of the victim was 13 years 10 months and there is serious allegation of sexual assault by her step-father (present applicant). She would contend that in F.I.R. as well as in her statement recorded under Section 183 of BNSS, the victim has made serious

allegation of sexual assault against present applicant, therefore, the bail application deserves to be rejected.

6. Mother of the victim appeared through virtual mode and has given her consent for grant of bail to the applicant.

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

8. Having considered the fact that allegations of sexual assault have been made against the step-father (present applicant); on the date of incident, age of the victim was 13 years and 10 months; in the F.I.R. and in her statement recorded under Section 183 of BNSS, the victim has made serious allegation of sexual assault against present applicant, I am not inclined to grant bail to the applicant. Accordingly, the instant bail application is **rejected** at the admission stage.

Sd/-

(Rakesh Mohan Pandey)
JUDGE

Anjani