CGHC010323332026 2026:CGHC:46519

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7819 of 2026

1 - Maheshwar Porty @ Kartik Porty S/o Parmo Porty Aged About 23 Years R/o Chalna-Pader (Podpara) Police Station- Deobhog, District- Gariyaband (C.G.)

... Applicant(s)

versus

1 - State Of Chhattisgarh Through Station House Officer, Police Station- Deobhog, District- Gariyaband (C.G.) **.. Respondent**

For Applicant	:	Mr. Sunil Verma, Advocate
For Respondent/State	:	Mr. Kanwaljeet Singh Saini, Dy. G.A.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

03.11.2026

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. 252/2024, registered at Police Station Deobhog District Gariyaband (C.G.) for the offence punishable under Sections 137(2), 87, 64(2)(h)(m) and 3(5) of BNS, 04 and 6 of POCSO Act.

2 Case of the prosecution, in brief, is that the applicant sexually assaulted the victim, aged about 16 years and 10 months on the pretext marriage. The FIR was lodged against the applicant by the father of the victim, pursuant to which the offences, as stated above,

were registered against him.

3 In pursuance of the notice dated 21.08.2026 issued to the victim, today the victim appeared before this Court through video conferencing from concerned DLSA and have raised objection to releasing the applicant on bail.

4 Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the present case. He further submits that the victim and other star witnesses have already been examined before the trial Court and there are contradictions and omissions in their depositions. It is also argued that the applicant is in jail and has no criminal antecedents. The age of the victim was around 18 years at the time of the incident and there was a consensual relationship between them. No offence, as alleged, was committed by the applicant. The charge-sheet has already been filed and the applicant is in jail since 18.05.2023. He, therefore, prays for grant of bail to the applicant.

5 On the other hand, learned State Counsel opposes the bail application and submits that the victim was aged about 16 years and 10 months at the time of the incident and, in her statement recorded under Section 183 of the BNSS, she made allegations of sexual assault against the present applicant. He further submits that she has already been examined before the trial Court as PW-1, wherein, in paragraph 2 of her deposition, she has categorically stated that the present applicant took her to Pondpara, Deobhog, where he established physical relations with her, as a result of which she subsequently conceived. It is

also alleged that there are allegations of sexual assault against the co-accused, namely, Lalit Mandavi, and the victim has supported the case of the prosecution. He further submits that, as the victim was a minor at the time of the incident, she was not competent to give her consent. Therefore, he prays for rejection of the bail application.

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

7 Taking into consideration the facts and circumstances of the case, particularly the fact that in her statement recorded under Section 183 of the BNSS, the victim has categorically narrated the incident and the manner in which the alleged offence was committed and made specific allegations against the present applicant, and further considering her deposition recorded before the trial Court on 03.09.2025, wherein, in paragraph 2, she has categorically stated that the present applicant established physical relations with her in the month of August, pursuant to which she conceived, coupled with the fact that the victim was aged about 16 years and 10 months at the time of the incident and the serious allegations of sexual exploitation levelled against the applicant, this Court is not inclined to grant bail to the applicant. Accordingly, the present bail application is rejected.

Sd/-

(Rakesh Mohan Pandey)
Judge

Jyoti